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# A LEGISLATOR'S HANDBOOK

## 1997

### Ninth Edition

Published by  
Montana Legislative Services Division  
State Capitol, Room 138  
Helena, Montana 59620-1706



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**A LEGISLATOR'S HANDBOOK**  
**Ninth Edition**  
**1997**

**MONTANA LEGISLATIVE COUNCIL**

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Rep. Larry Hal Grinde, Vice Chairman

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## INTRODUCTION AND ACKNOWLEDGMENTS

Unlike those of many other states, Montana's legislators are part-time practitioners of the profession of government, who every 2 years must refocus their attention from private and family affairs to all-encompassing concentration on public business during the biennial 90-day regular session. This adjustment can be confusing and bewildering, particularly for a freshman legislator who is uncertain about the procedures of lawmaking, about the organization in which lawmakers will function, about the maze of state government activities, and about the responsibilities and capabilities of the full-time and session staff available to assist the legislator.

This publication tries to dispel the confusion so that each legislator can function at the peak of efficiency.

A variety of organizations and businesses have customarily provided directories, handbooks, and souvenir publications containing biographical information, telephone numbers, mailing addresses, committee assignments, and rosters of the Senate and House. This volume is not a duplication or replacement of any of those publications. This edition of *A Legislator's Handbook* presents authoritative information that the legislator will need from the first day of the session and is the ninth published by the Legislative Services Division.

Lawmaking is continually evolving in processes and methods. Although the fundamental principles underlying American government are ageless, technologies and techniques reflect progress, and any compendium of advice to lawmakers that fails to acknowledge change is soon outdated. For that reason, revision of this handbook for each regular session is necessary.

For this ninth edition, all material has been verified, freshly researched, rewritten, edited, and updated to present accurate, timely accounts of all matters relevant to the organization and function of the 55th Legislature.

For their advice and assistance in preparing this ninth edition, acknowledgment and appreciation are due my colleagues on the Legislative Services Division staff: Henry Trenk and Tom Mulvaney in Legislative Information Technology; Ann Patten, Jesse Northerner,

## A LEGISLATOR'S HANDBOOK

Mark Reese, and Kevin Hayes in Document Processing; Greg Petesch, Lee Heiman, and Carol Ann Jacobsen of Legal Services; Elizabeth Furbush, Legislative Librarian; Karen Berger and Tina Petersen in Financial Services; and Bob Person, Executive Director. They willingly shared their comprehensive knowledge of the legislative process.

This handbook could not have been completed without the assistance provided by the Legislative Fiscal Division, the Legislative Audit Division, the Consumer Counsel, and numerous individuals in the Executive Branch. Participation of individuals included contribution of sections relevant to their agencies and review of pertinent sections. Each of them has my acknowledgment of their assistance and my gratitude.

Additionally, Paul Verdon, a Legislative Services Division staff stalwart for nearly a dozen years, deserves special recognition. His years of attention to previous editions of this handbook laid a solid foundation of form and substance. It is his work that continues to provide the bulk of information provided in this edition.

All of us who participated in the preparation and publication of *A Legislator's Handbook 1997* hope that those for whom it is intended will find it a useful tool in their work as Montana's lawmakers.

David D. Bohyer  
Director of Research and Policy Analysis  
Montana Legislative Services Division

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## **CHAPTER I**

### **THE LEGISLATURE — AN OVERVIEW**

Montana's Constitution was written by delegates to a convention in 1972 and ratified by popular vote that year to replace the 1889 organic law under which statehood was achieved. In keeping with the U.S. federal system, the Montana Constitution provides for independent Legislative, Executive, and Judicial Branches. The people express their will directly through the Legislative Branch, which enacts laws, levies taxes, and appropriates revenue received from those taxes to various agencies of government for public purposes.

The Legislature is established by the Constitution, and its structure and function are prescribed by constitutional law and appropriate rules.

The 1972 Constitution provides for review every 20 years. The people were asked in 1990 to vote on a proposal for a constitutional convention. Through their common voice plebiscite, however, Montanans declined the opportunity to hold a convention.

### **STRUCTURE AND FUNCTION**

As established by the Montana Constitution, the Legislature consists of the Senate and the House of Representatives, but the base of legislative authority resides with the people through their retention of the rights of initiative and referendum. With these powers, the people may perform any legislative function except the appropriation of money or the enactment of local or special laws. Between 1972 and 1996, 64 statutory initiatives or referendums (132 since 1908) have been proposed, 32 constitutional amendments have been referred by the Legislature, and 74 constitutional amendments have been initiated by the people. In this time period, the people have approved 18 constitutional amendment referendums and 4 constitutional amendment initiatives.

The Senate consists of 50 members elected to serve 4-year staggered terms, while the House is composed of 100 members chosen for coterminous 2-year terms.

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Each member of the House represents a district compact and contiguous. All districts are as nearly equal in population as is practicable. Each member of the Senate represents a district composed of two adjoining House districts. A variation of plus or minus 5% from the optimum House district population of 7,991 was the goal in the 1990 reapportionment. Variation range achieved was -4.98% to +4.99%.

A candidate for the Legislature must have resided in the state for at least 1 year preceding the general election. For 6 months preceding the election, the candidate must have been a resident of the county if it contains one or more districts or of the district if it contains all or parts of more than one county.

Each legislator is paid a salary and expense allowance as established by law; however, a Legislature may not fix its own compensation. A law changing legislators' remuneration cannot become effective until the succeeding Legislature takes office in January of the next odd-numbered year when the regular session of not more than 90 days convenes. Any Legislature has the power to increase the limit on the length of any subsequent session.

Special sessions may be convened by the call of the Governor or at the written request of a majority of the members. Since the implementation of the 1972 Constitution, the Legislature has met in special sessions 13 times.

Each Legislature has a lifespan of approximately 2 years. The 55th Legislature will convene at noon on January 6, 1997.

The legislative power embraces many elements, including investigation, confirmation, and impeachment. The great function of the Legislature, however, is lawmaking, which consists of considering bills.

### **BILLS**

A law is enacted by the passage of a bill in the same form in each house. A bill may not be so altered on its course through the Legislature

## THE LEGISLATURE — AN OVERVIEW

so as to change its original purpose. Procedures discussed later in this handbook govern the movement of a bill through the process and define its passage. Several constitutional principles underlie these procedures.

- Every vote of each member on each substantive question is public and is recorded.
- With the exception of appropriation and codification bills, a bill may contain only one subject, clearly expressed in its title. Any provision not expressed in the title is invalid.
- A general appropriations bill may include only expenditures for the ordinary costs of the Legislative, Executive, and Judicial Branches, for interest on the public debt, and for the public schools. An appropriation bill must originate in the House. Appropriations to private persons for religious, charitable, industrial, educational, or benevolent purposes not under control of the state are prohibited.
- Challenge of a law for failure to meet any of these requirements may not be taken later than 2 years after the law's effective date.
- Prior to submission to the electorate, amendments to the Montana Constitution require approval by two-thirds of all legislators (at least 100 members) and are immune from gubernatorial veto.

## LEGISLATIVE RULES

Debate, deliberation, and procedures are restricted within a framework of rules. Because at the beginning of each regular session the Senate and the House adopt the rules of the previous Legislature as the temporary rules, the rules cited here are those of the 54th Legislature. Later in the session, after approval by the Rules Committees, the permanent rules are adopted.

## A LEGISLATOR'S HANDBOOK

The Legislative Services Division publishes the *Rules of the Montana Legislature*. Legislators and others may obtain a copy from the Legislative Services Division.

When a question or situation arises that is not anticipated in the Joint Rules or in the Senate or House Rules, proceedings are governed by *Mason's Manual of Legislative Procedure*.

The essence of rules was expressed in four paragraphs in the Illinois Legislature's handbook *Preface to Lawmaking*:

Of all the things that can be said about the rules, perhaps the most important is that a well grounded knowledge of them is crucial to any legislator who hopes to carry a proposed law through the General Assembly to the Governor's desk. They are the foundation of legislative procedure; if you don't know the rules, you don't know the game.

The rules of procedure establish the order for calling up the business of the day and establish the deadlines for concluding a particular phase of legislative business; they give priority of consideration to the questions which arise in the course of that business, and they provide the method for disposing of those questions.

The rules provide a method for a majority to work its will, and while protecting that majority against minority obstruction, they also guarantee certain rights to minorities and individual members. Also, since rules are written to facilitate the flow of business and not obstruct it, they can be suspended with the consent of the body when it is necessary to remove them as an obstruction to the work of the body. This is not true, however, of constitutional procedural requirements.

Often a rule has no greater purpose than to establish order where there would otherwise be confusion. Such a rule gives the presiding officer an authority for taking a particular direction. An

## THE LEGISLATURE — AN OVERVIEW

example of this kind of rule is the rule ranking the precedence of certain kinds of motions from the floor.

### LEGISLATIVE ORGANIZATION

Before December 1 of each even-numbered year, the members of the two parties in each house meet in pre-session caucuses to nominate officers. Following caucuses, the nominated officers prepare for the session by appointing committees and hiring necessary employees.

Also during the pre-session period, the legislative leaders and the members appointed to the Legislative Administration Committees, Committee on Committees, and the Rules Committees complete organizational tasks and assign space and seating. During this period, the House Appropriations Committee and the Senate Finance and Claims Committee may review appropriations requests and may visit state agencies and institutions.

After the November election, each legislator will receive a request to indicate his or her first three preferences for standing committee appointments. As far as possible, these preferences are taken into account in assignment of legislators to committees.

The officers of the Senate include a President, a President pro tempore, a Majority Leader, a Minority Leader, a Majority Whip, and a Minority Whip. Although not officers, the members of the Committee on Committees are elected in the same manner as officers.

The officers of the House of Representatives include a Speaker, a Speaker pro tempore, a Majority Leader, a Minority Leader, a Majority Whip, and a Minority Whip.

On the opening day of the session, *pro forma* elections are held in both houses, and the officers nominated at the pre-session caucuses are elected officially and for the record.

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The President of the Senate appoints a Secretary of the Senate, a Sergeant at Arms, and a Chaplain. The Speaker of the House appoints a Chief Clerk of the House, a Sergeant at Arms, and a Chaplain.

The President of the Senate and the Speaker of the House preside over the respective houses (except during Committee of the Whole action when another member is appointed to preside), preserve order, recognize members who wish to speak, and vote as any other member.

### ETHICS FOR LEGISLATORS

Article XIII, section 4, of the Montana Constitution requires the Legislature to provide a code of ethics prohibiting conflict between public duty and private interest for members of the Legislature and for all state and local officers and employees. Title 2, chapter 2, of the *Montana Code Annotated* sets forth standards of conduct for elected officials and employees. Section 2-2-111, MCA, provides rules of conduct for legislators, while 2-2-112, MCA, outlines ethical principles for legislators. Sections 2-2-103 through 2-2-105 and 2-2-121 address rules of conduct and ethical principles for employees, including permanent and session employees of the Legislature. In 1995, the House of Representatives created a standing committee on ethics by adopting House Rule 30-10.

## **CHAPTER II**

### **ADMINISTRATIVE NUTS AND BOLTS**

The first step in transforming the newly elected Representative or Senator into a functioning lawmaker is acquainting him or her with the details of the Legislature's operational and support systems. Understanding of the personal accommodations, accounting procedures, staff and supply services, and communications facilities enables the legislator to use his or her time and effort most productively.

### **PREPARING FOR THE SESSION**

The period between the November election and the convening of the Legislature imposes many duties upon members and their agency staffs. For a new legislator, the pre-session caucus mentioned earlier is the first opportunity to participate in an organized activity. There are, however, many other important activities before the session begins. Probably the basic consideration is learning how to request and introduce a bill. For complete information on this process, see Bill Drafting and Introduction in CHAPTER III, LEGISLATIVE PROCEDURES.

At the organizational caucuses in November and in the weeks following, each member will receive information about post-office boxes and lockers, as well as forms to be completed, including a W-4 form for tax withholding statements, health insurance applications, and other necessary paperwork. It is important to complete and submit all of the forms as soon as possible so that administrative tasks can be accomplished smoothly.

### **PARKING**

Before the session opens, each legislator is assigned an individual, numbered parking space, either in front or in back of the Capitol. Parking assignments are made by leadership usually according to seniority, although special consideration is given to members who are handicapped or elderly. Unauthorized parking should be reported to the

## A LEGISLATOR'S HANDBOOK

Sergeant at Arms, who will issue a "Please remove" warning to the owner of the offending vehicle.

### LOCKERS

The Sergeant at Arms of each house will assign a locker to each member. House members' lockers are located on the first floor of the Capitol. Senate members' lockers are in the cloakroom.

### HOW TO REPORT AN ABSENCE

If a legislator wishes to be excused from meetings on a legislative day because of illness or for any legitimate reason, he or she should notify:

Senate: Party Whip

House: Majority Leader or Minority Leader, depending on the party to which the member belongs

### MAIL

**Incoming Mail:** A post-office box on the first floor of the Capitol is assigned to each legislator. The combination to the lock will be provided in each legislator's information packet on opening day.

**During the Interim:** All first-class mail is forwarded by the Legislative Services Division.

**Outgoing Mail:** Stenographers are available for assistance in typing letters. These services are detailed later in this chapter.

Items to be mailed may be deposited at:

Senate: Sergeant at Arms

House: Chief Clerk's office

## ADMINISTRATIVE NUTS AND BOLTS

The Sergeants' offices also have postage stamps available for purchase.

Both the Senate and the House observe a policy of "no mass mailings". Additionally, it may be a violation of state ethics laws for legislative staff, including session staff, to use public time or public facilities, equipment, or supplies for preparing or mailing material of a political nature for a legislator.

### TELEPHONE SERVICES

The number for legislative general information is (406)444-4800.

A *Montana 1997 Directory Fifty-Fifth Session*, compiled and published through cooperation of U.S. West and the Legislative Services Division, provides complete listings of addresses and phone numbers of all legislators and staff, as well as state government agencies.

Legislative telephones are on a state telephone network (STN). All outgoing calls are recorded with the originating number, time of day, number dialed, and length of call. You will find a telephone and state government directory with STN instructions in every committee room. Joint Rule 10-70 provides:

Long distance telephone calls made by a member while the Legislature is in session or the member is in travel status are considered official legislative business. These include, but are not limited to, calls made to constituencies, places of business, and family members.

### SECRETARY OF THE SENATE — CHIEF CLERK OF THE HOUSE

The Secretary of the Senate and the Chief Clerk of the House are the main administrative officers of the two houses. Many of the temporary session staff answer directly to these officers who supervise the hiring and day-to-day functions of the staff and who are present on

## A LEGISLATOR'S HANDBOOK

the rostrum during the daily sessions. During a session, the Secretary of the Senate and the Chief Clerk of the House keep all the records of the respective houses and are responsible for the daily journals, histories of each bill, preparation of the daily calendar, etc. They are the experts on the status and flow of all legislation and the work of all the rostrum employees.

### **HIRING OF SESSION STAFF**

The Legislative Administration Committee of each house, upon recommendation of the Secretary of the Senate and the Chief Clerk of the House, hires the temporary session staff, such as reading clerks, journal clerks, bills clerks, doorpersons, amendments coordinators, bills coordinators, supply officers, status input technicians, sergeants at arms, and secretary/stenographers. Application forms for these positions are available from the Legislative Services Division, whose only function in this regard is to collect the applications for the Legislative Administration Committees. Often, experienced people are rehired to fill a position that they filled in a previous session. It is not unusual to have nearly a hundred applications for each available position. Because experienced secretaries are scarce, a qualified secretarial applicant who has the skills required for legislative work has an excellent chance of being hired.

To assist the permanent proofreaders and data entry operators, the Legislative Services Division hires additional proofreaders and data entry operators. Bills distribution clerks and Legislative Information Office staff are also hired. Legal and research staff of the Legislative Services Division and fiscal analyst staff of the Legislative Fiscal Division serve as permanent, professional staff to the Legislature, so there are rarely professional staff openings on a temporary basis during the session.

See Chapter VII for information on assignment of legislative interns and aides.

## ADMINISTRATIVE NUTS AND BOLTS

### LEGISLATIVE PAGES

The services of legislative pages are available for every legislator. There is a "page call" button on each desk. Pushing this button lights up your desk number on the page board on the front row of desks in the chambers to indicate your need of a page.

Pages may be used to deliver or pick up mail at the Capitol post office, at state agencies, or from officials located in the Capitol; to deliver notes and messages to other legislators; or when a legislator is busy in the chambers, to get a cup of coffee or a snack.

**How Pages Are Hired:** Applications for appointment as pages are available at the office of the Secretary of the Senate and the Chief Clerk of the House after the pre-session caucuses. A page is usually a junior or a senior in high school and is sponsored by a legislator to serve for 1 week, Monday through Saturday. Pages are hired by the Legislative Administration Committees.

### STATIONERY

Official legislative stationery and envelopes are printed by the Publications and Graphics Division of the Department of Administration. Each legislator is entitled to 500 letterheads and 500 envelopes to begin the session. Legislators may order their first box of stationery through the offices of the Sergeants at Arms.

### OFFICE SUPPLIES

Office supplies are available from:

Senate: Sergeant at Arms' office

House: Supply clerk, Sergeant at Arms' office

Supplies that are not on hand may be ordered through the Sergeant at Arms of the Senate or the supply clerk of the House.

## A LEGISLATOR'S HANDBOOK

### TYPING AND COPYING

Both the Senate and House have word processing centers with qualified staff. Copying machines are available for use by each chamber. Legislators should use the copy machines assigned to their chamber and not those of the other chamber, the Legislative Services Division, or any other state agency. For jobs of more than 100 copies, the Secretary of the Senate's or the Chief Clerk's staff will have copies made in the Capitol Quick Copy Center in the Capitol basement. Per copy costs of large print orders—usually more than 100 copies—are reduced when done in the Capitol Quick Copy Center.

Typing and copying should be restricted to legitimate legislative business. The use of these services or equipment for political or private business may violate ethics laws and subjects legislators and the Legislature to public criticism, perhaps even shame.

### STENOGRAPHIC SERVICES

Stenographers and typists are available to all legislators for dictation and typing of letters, news releases, etc. It may be possible for members to check out dictation equipment from the stenographic pool; check with staff in the offices of the Sergeants at Arms.

### BILL DISTRIBUTION

The new legislator may initially be overwhelmed by the mountain of paper, including bills, reports, budgets, recommendations, and other documents that cover his or her desk when the session opens. As the session advances, that paper mountain will probably grow.

Printed bills and resolutions are the grist on which the lawmaking mill grinds. Accompanied by the amendments that punctuate their movement through the legislative process, prompt production and immediate distribution of these documents are essential to the orderly progression of work.

## ADMINISTRATIVE NUTS AND BOLTS

Each day, members receive an agenda packet with a daily agenda and copies of all bills on second and third reading for that day. Additional copies of all bills are available upon request to the Bills Distribution Clerk or the Senate or House Bills Distribution office.

Information on supplying bills to constituents is provided in Chapter VIII, SERVICES TO CONSTITUENTS.

### **BILL STATUS INQUIRY SYSTEM**

An online computerized information service offers instant information to legislators and the public on bill draft status, introduced bill status, committee scheduling, and other essential elements of the lawmaking process.

Training for legislators, individually or in small groups, in the use of the system is provided by the Legislative Services Division staff. A half-hour training session before or early in the session will enable legislators to obtain useful information over the course of the session. The inquiry system features screens containing instructions to guide users to the information needed. A printed instruction manual is also available.

Operators input data into the bill status system from eight different locations within the Capitol. These operators enter actions on bill drafts and bills almost immediately after they occur so that timely information is accessible to users of the inquiry system.

Access to this inquiry system is available to legislators and to the public at the Legislative Information Office, where staff will assist in providing information.

Another method of access to legislative information is through the computer terminals located on the third and fourth floors of the Capitol. These unstaffed terminals operate for legislators and the public almost 24 hours a day.

## A LEGISLATOR'S HANDBOOK

A simple touch on the keyboard of an access terminal calls up to the screen before the user any 1 of 12 displays of information as fresh as the last keystroke by the input operator. Bill sponsors, committee meetings, floor actions, and other relevant details go into the system as soon as reported to the input operators.

Screens that will be subject to immediate call-up are:

### MAIN SELECTION

- Select LC Number
  - Draft Status for Selected LC Number
- Select Bill Number
  - Bill Status for Selected Bill Number
- Select House Sponsor (two screens)
  - Primary Sponsor's Bill List (For Selected Representative)
- Select Senate Sponsor
  - Primary Sponsor's Bill List (For Selected Senator)
- Select Committee
  - Committee's Hearing Schedule (For Selected Committee)
- Select Date (For Hearing Information)
  - All Committee Hearings for Selected Date
- Select Subject
  - Introduced Bills for Selected Subject
  - Bill Draft Requests for Selected Subject

Complete instructions for use of the information screens are provided in user handbooks developed by the Legislative Services

## ADMINISTRATIVE NUTS AND BOLTS

Division staff and focused directly on answering questions arising from legislators, legislative staff, and the public.

More than 30 different hard-copy reports are generated from the system to satisfy the needs of various users. An example is a report provided to each legislator listing the status of each bill drafted and each bill draft requested by that legislator. The frequency with which hard-copy reports are generated is determined by users' demand for or acceptance of the service.

The following is an illustration of the Main Selection Screen that introduces the user to accessible information.

STATE OF MONTANA--BILL STATUS INQUIRY SYSTEM  
MAIN SELECTION SCREEN

IMLCP001

- 1- BILL STATUS OR BILL DRAFT STATUS
- 2- HOUSE MEMBER BILL SPONSOR LIST
- 3- SENATE MEMBER BILL SPONSOR LIST
- 4- COMMITTEE HEARING SCHEDULE FOR A SPECIFIC COMMITTEE
- 5- HOUSE COMMITTEE HEARING SCHEDULES FOR TODAY, OR FOR SOME FUTURE DATE
- 6- SENATE COMMITTEE HEARING SCHEDULES FOR TODAY, OR FOR SOME FUTURE DATE
- 7- INTRODUCED BILLS/UNINTRODUCED BILL REQUESTS BY SUBJECT
- 8- SYSTEM INFORMATION

TO EXIT SYSTEM, TYPE "OFF" IN OPTION NUMBER FIELD AND PRESS ENTER KEY.

TYPE IN OPTION NUMBER HERE ==>                      AND PRESS THE ENTER KEY.

OPTIONAL: IF OPTION 1 SELECTED, TYPE BILL OR LC NUMBER HERE ==>    —    —  
OPTIONAL: IF OPTION 7 SELECTED, YOU MAY TYPE IN THE FIRST FEW  
LETTERS OF THE SUBJECT HERE==> \_\_\_\_\_

## COMPENSATION — BENEFITS

During the 1997 session, each legislator will receive a daily (7 days a week) amount for expenses (which amount is to be calculated by the Department of Administration prior to December 15 of each even-numbered year). Each legislator also receives \$58.50 a day (for each legislative day) for compensation. For participation in interim activities, a legislator is entitled to the daily compensation of \$58.50 plus mileage and expenses as provided in 2-18-501 through 2-18-503, MCA. Although the Legislature provides by law for the compensation

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and allowances for members, a Legislature may not fix its own compensation. A compensation rate set by the 1997 Legislature will not be effective until the 1999 Legislature is seated. Section 5-2-301, MCA, provides that a legislator is entitled to compensation at the daily rate of a grade 8 classified state employee at entry level in effect when the regular session is convened.

The payroll is prepared by the fiscal staff of the Legislative Services Division. Each legislator's payroll warrant is delivered to his or her Capitol Station post-office box every other Wednesday on the same schedule as state employees' warrants. Alternatively, a legislator may elect electronic deposit of payroll into an account with a qualified financial institution. Expense warrants are distributed each Wednesday to each legislator's Capitol Station post-office box.

The following deductions will or may be made from a legislator's checks:

- (1) Social Security (including Medicare) deductions at the rate of 7.65% of the gross salary;
- (2) income tax withholdings, both state and federal, in accordance with the exemptions claimed on the member's W-4 form;
- (3) Public Employees' Retirement System (PERS) contributions at the rate of 6.7% from the checks of those members electing to have retirement deductions;
- (4) deferred compensation plan deferrals if you voluntarily elect to defer a portion of your income.

Sick leave and annual leave benefits do not apply to elected officials.

### Legislator's Deduction of Per Diem Living Expenses

Federal income tax provisions allow legislators the benefit of a deduction for living expenses. Under Internal Revenue Code section 162(h), legislators who live more than 50 miles from the Capitol may

## ADMINISTRATIVE NUTS AND BOLTS

deduct the federal per diem rate per legislative day for living expenses without having to stay overnight (the legislator is considered to have stayed overnight) away from home and without keeping substantiating records (the legislator is considered to have expended the federal per diem amount). Beginning March 12, 1993, Appendix A of 41 Code of Federal Regulations, chapter 301, set the federal per diem rate at \$70 for Montana.

A legislative day, for the purposes of this law, encompasses attendance at legislative interim hearings and meetings as well as participation while the Legislature is in session. If formally recorded as attending an interim committee meeting, even if not a member of the interim committee, a legislator may claim expenses for attending it.

A memorandum that details the federal provision and provides necessary dates and amounts that a legislator's tax adviser must have to complete the legislator's federal income tax return may be obtained from the Legislative Services Division.

### Retirement

Membership in the Public Employees' Retirement System (PERS) is optional for each elected official. If you do not elect membership at the beginning of your term, you retain the right to retroactively pick up all or part of your elected service at any time prior to the end of your final term of office (or at any other time that you are employed by a covered PERS employer). However, once you make the election to participate in the PERS, you may not terminate participation until you are no longer in the Legislature or employed in any position covered by the PERS.

The basic retirement formula is presently  $1/56$ th of final compensation (the average of the 3 highest years' salary) times the number of years' service. (A legislator's salary is calculated on the annualized basis of \$15,208 a year—Grade 8, entry.) A member may decide to refrain from contributing until he or she has served for 5 years or more and is eligible for a vested membership in the system.

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However, waiting to qualify service at a later date will require the member to pay all accrued principal and interest.

Normal retirement is granted at 60 years of age with at least 5 years of service or at any age with at least 30 years of service. Early retirement is an option at 50 years of age with at least 5 years of service or at 25 years or more of service. At 65 years of age or older, PERS members are eligible for normal retirement, regardless of the number of years of service. Early retirement benefits may begin sooner, but the benefit is actuarially reduced.

Membership service includes not only legislative service but also service with any agency covered by the PERS and other service purchased under applicable statutes. (Such other service may include military service, service out of state, "one-for-five", etc.)

Employee contributions are refundable with accumulated interest for any member not qualifying for retirement benefits.

In addition to the regular retirement benefits, there are provisions for benefits in case of disability or death.

If you have any questions concerning the Public Employees' Retirement System, please contact the Administrator, 1712 Ninth Avenue, phone 444-3154.

### Group Insurance Benefits

Members of the Legislature are eligible for state employee insurance benefits. Eligibility for newly elected officials begins on the date that the oath of office is taken or on the date that the term begins, whichever is earlier.

Legislators may:

(1) enroll in state insurance benefits and have the monthly state contribution applied to those benefits; or

## ADMINISTRATIVE NUTS AND BOLTS

(2) waive state insurance benefits and either waive the state contribution or have it apply toward out-of-pocket costs for other health insurance benefits. (Only the portion of the state's monthly contribution needed to cover actual out-of-pocket costs for other insurance coverage may be applied.)

Because of the variations of medical, dental, vision, and life insurance coverage available, legislators may want to refer to the *State of Montana Employee Benefits Plan*, a publication of the Department of Administration that is available from the Department or the Legislative Services Division fiscal staff.

To enroll in the state insurance plan or to waive enrollment, a legislator is required to complete and sign an enrollment form to indicate the coverage desired or to waive coverage. If state insurance coverage is waived and the state contribution applied to other insurance, an "Option 2 Health Insurance Election" form and "Premium Statement" must be completed. These forms will be available at the pre-session legislative caucuses. Any returning legislators who want to make changes should contact the Legislative Services Division.

Additional information may be obtained through the Department of Administration, State Personnel Division, Employee Benefits Bureau, Room 130, Sam W. Mitchell Building, Helena, MT, or by calling 444-7462 or 1-800-287-8266.

### Deferred Compensation Plan

The State of Montana Deferred Compensation Plan is a voluntary supplemental retirement program available only through payroll deduction for any state employee, including legislators. The Plan allows employees to defer as little as \$10 a month or up to 33 1/3% of includable compensation (approximately 23 1/2% of gross income), subject to IRC established maximums. The amount deferred is pretax; therefore, on average, about 21 cents in state and federal taxes is "deferred" for each dollar invested. For example, if \$50 is deferred each

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pay period, the difference in net take-home pay is approximately \$39.50.

Enrollment in the Plan can start any time. There is no specific time or period during which an employee becomes eligible or must enroll, except **the Plan is available only through payroll deduction and, therefore, during the periods in which paychecks are received through the central payroll system.** The sooner deferrals start, the larger the account will be at retirement or termination.

Because the program is a tax-deferred, supplemental retirement program, funds may be withdrawn only upon termination of employment—regardless of age—or upon an unforeseeable emergency that meets IRS criteria and is approved by the Plan. A federal and state tax liability will exist on any funds received for the year in which they were deferred.

The State Personnel Division contracts with Nationwide Life Insurance company to provide a variety of investment options and also contracts with DAD Benefits, a division of D.A. Davidson and Company, for the enrollment and administration of the Plan. Currently, employees have 37 investment options from which to choose—a "fixed" fund that provides interest earnings at a guaranteed minimum rate and 36 "variable" stock, bond, or money market funds that offer a range of risks and potential return on investments.

A monthly state administration fee that covers all administrative costs is assessed. This monthly administration fee may not exceed 0.10% (one tenth of one percent) annually.

For further information and complete details of the Plan, please contact the Department of Administration, State Personnel Division, Employee Benefits Bureau, Room 130, Sam W. Mitchell Building, Helena, MT, or by calling 444-7462 or 1-800-287-8266.

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### Travel Funds

The Legislature as an entity usually does not appropriate itself travel funds other than the statutorily authorized round trips to and from a session. However, there is an appropriation to each house for the biennium that is intended to provide funds for travel approved by the leadership.

The appropriation for leadership-approved travel is in addition to money available, if any, to designated legislators for attendance at meetings of the National Conference of State Legislatures, the Council of State Governments, other interstate organizations, permanent legislative committees, legislative study committees, and other special committees.

Although the appropriation is intended to pay costs of travel required to fulfill the responsibilities of legislative leaders, other legislators may request payment from this fund for costs of travel to meetings or activities that are beneficial to the state. The merit of the meeting or activity is determined by the appropriate leader. Prior approval from leadership is necessary for reimbursement to be paid from these funds.



## **CHAPTER III**

### **LEGISLATIVE PROCEDURES**

#### **FIRST DAY**

The law provides that each regular session of the Legislature begin at 12 noon on the first Monday of January (except when January 1 falls on a Monday, the session will begin on the first Wednesday). Senators report to the Senate Chambers, and Representatives report to the House Chambers.

The leaders of each house assign members' seats prior to the opening of the session. Leadership seats are in the same location each session, and some veteran members retain their seats from session to session. Efforts are made to accommodate the nonconflicting seating preferences of individual members. On the first day in each of the chambers, a seating chart is posted showing assignments. A Sergeant at Arms will help members find their desks.

The first day's session is called to order by the senior member present in the Senate and by the Secretary of State in the House. Roll is called, the constitutional oath of office is administered, usually by a Supreme Court Justice, and officers are officially elected. Some committee reports will be read, such as from the Committee on Legislative Administration concerning the employees hired for the session. Additionally, the first reading and commitment of all preintroduced and other introduced bills will also be accomplished on the first day. However, the first day's session will probably last only about 1 or 2 hours. (See BILL DRAFTING AND INTRODUCTION in this chapter for information on how to preintroduce a bill that will be ready for consideration on the first day.)

#### **AGENDA ITEMS**

The business of each house is conducted in conformance with procedures established in the Joint Rules and the rules of each house. The rules provide for the order of business, motions, resolutions, bill

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drafting and introduction, referral and reporting of bills, second and third readings, transmittal dates, and the consent calendar.

### ORDER OF BUSINESS

The agenda followed by each house during each business day is called the Order of Business. After the opening prayer, pledge of allegiance, roll call, and report on the journal, the Senate and House normally proceed through their business in this progression, although there may be nothing to discuss on any particular day under one or more of the Orders of Business. Any digression from the established order is announced in advance and is subject to approval of the body.

The 12 Orders of Business in the Senate, with notes on differences in the House, are:

No. 1 - Communications and Petitions. Various types of communications may be read to the legislative body.

No motions are acceptable.

No. 2 - Reports of Standing Committees. Reports are read from the rostrum. Legislators do not receive an actual copy in the originating house, but amendments are printed in full in the daily journal. After a favorable vote, an amended version of the bill is printed.

Generally, no motion is acceptable except some privileged motions, such as to adjourn, for a roll call vote, for a call of the house, or for some other incidental motion; however, by established practice, these motions are not generally made.

No debate is had unless a minority committee report has been submitted. A member seeking to challenge the action on the adoption of a favorable or an adverse committee report may do so on Order of Business No. 6 (Order of Business No. 9 in the

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House) by a motion to reconsider and need not have voted on the prevailing side.

No. 3 - Reports of Select Committees. A conference committee is an example. If the Senate or the House amends a bill passed by the originating house and the originating house then refuses to accept the changes, a conference committee is appointed from each house to resolve the difference. A "conference committee" must confine itself to accepting or rejecting each disputed amendment in its entirety. A "free conference committee" may discuss a bill in its entirety.

No motion is acceptable. Any motion relating to business under this order of business is considered under Order of Business No. 6 (Order of Business No. 9 in the House).

No. 4 - Messages From the Governor. The full text of this material is printed in the daily journal.

No motion is acceptable. Any motion relating to business under this order of business is considered under Order of Business No. 6 (Order of Business No. 9 in the House).

No. 5 - Messages From the Other House. These messages may request that a bill be returned, advise that bills are being transmitted for concurrence, or convey other information.

No motion is acceptable. Any motion relating to business under this order of business is considered under Order of Business No. 6 (Order of Business No. 9 in the House).

(Senate Orders of Business Nos. 4 and 5 are reversed in the House.)

No. 6 - Motions. (Order of Business No. 9 in the House) Any motion is in order under this item of business, but only a few motions have been used as established practice. These arise out of

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the work of the body of a general procedural nature and are temporary in purpose. Some main motions are of a substantive nature relating to final disposition of a measure.

Privileged Motions: to adjourn; call of the house in absence of a quorum; to recess; question of privilege; call of the house when a quorum is present

Incidental Motions: to appeal; parliamentary inquiry; suspension of the rules for immediate purpose; roll call vote; division of question

Subsidiary Motions: to lay on the table; previous question (immediate vote); postpone to a day certain; to limit, extend limit the of, or close debate; to refer; to rise, to rise and report, to rise and report progress and ask leave to sit again; to pass consideration (takes this order of preference in Committee of the Whole); to amend; to indefinitely postpone (opens main question to debate)

Main Motions: to pass, adopt, or concur; to reject passage, adoption, or concurrence; to appoint

Incidental Main Motions: (in order under proper order of business when no question is before the body) to reconsider; to take from the table; to pass consideration for the day; to place business on the calendar; to change the order of business on the calendar; to suspend the rules temporarily (with reference to business not immediately pending)

No. 7 - First Reading and Commitment of Bills. (Order of Business No. 6 in the House) "Posting" has taken the place of "reading" bills to save time.

No motion is in order except, on the first legislative day, the chief sponsor of a preintroduced bill may move to add names of cosponsors.

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No. 8 - Second Reading of Bills (Committee of the Whole). (Order of Business No. 7 in the House) Floor debate on a bill occurs at this time. Amendments may be offered but should be previously typed, signed, and presented at the office of the Secretary of the Senate or the Chief Clerk of the House. The second-reading copy of the bill (yellow) has standing committee amendments incorporated into the introduced version.

Motions that are acceptable in descending order of precedence are:

- (1) to rise;
- (2) to rise and report;
- (3) to rise and report and ask leave to sit again;
- (4) to pass consideration;
- (5) to amend;
- (6) to indefinitely postpone; and
- (7) to recommend passage or concurrence.

(Prior to adoption of the Committee of the Whole report, a member may move that a bill be segregated from the report and left on second reading for further consideration.)

No. 9 - Third Reading of Bills and Consent Calendar Bills. (Order of Business No. 8 in the House) In the house of origin, the third-reading (engrossed) bill (blue) contains all amendments. No debate is permitted. In the second house, a third-reading bill (salmon) is called a "reference bill" and is the text of the engrossed bill plus amendments made by the second house. If "concurred in as amended", this version of the bill is transmitted to the originating house for concurrence in amendments.

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The only motion allowed is to rerefer the bill to the Committee of the Whole or to a standing committee.

No. 10 - Unfinished Business. This order of business is rarely used in the Senate; in the House, this order of business includes appointments to conference committees and similar matters.

No. 11 - Special Orders of the Day. Confirmations of Governor's appointees, memorial services, etc., are handled under this item of business.

No. 12 - Announcement of Committee Meetings. Committee presiding officers announce meetings. Adjournment may occur.

To revert to or pass to a new Order of Business requires only a majority vote. When reconvening after a recess, unless otherwise specified in the motion to recess, the house involved reverts to Order of Business No. 1.

### MOTIONS

During debate of any question, no motion may be made except the following privileged and subsidiary motions, which have precedence in the order listed:

- (1) to adjourn;
- (2) for a call of the house;
- (3) to recess;
- (4) question of privilege;
- (5) to lay on the table;
- (6) for the previous question;

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(7) to postpone to a certain day;

(8) to refer or commit;

(9) to amend;

(10) to postpone indefinitely.

A bill or resolution that is postponed indefinitely is finally rejected and may not be acted upon again during the biennium unless a member moves to reconsider the question either on the day that the vote was taken or on the next day that the house in which the action was taken is in session. A motion to recall a bill from the other house constitutes a notice to reconsider. If a motion to reconsider is laid on the table, a two-thirds majority is required to take it from the table. Failure of a motion to reconsider finally and conclusively settles the question.

Adoption of a motion for the previous question closes debate immediately and brings to a vote the main question and the adhering subsidiary motions. If the previous question is ordered on a debatable question that has not been debated, the question may be debated for half an hour, with one-half of the time to be given to the proponents and one-half to the opponents.

Nondebatable motions are:

(1) to adjourn;

(2) for a call of the house;

(3) to recess;

(4) for parliamentary inquiry;

(5) to suspend the rules;

(6) to lay on the table;

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(7) for the previous question;

(8) to limit, extend the limit of, or close debate;

(9) to amend an undebatable motion;

(10) to divide a question;

(11) to pass business in the Committee of the Whole;

(12) to take from the table;

(13) a decision of the presiding officer, unless appealed or unless he or she submits the question to the house for advice or decision; and

(14) incidental motions, such as motions relating to voting or other questions of a general procedural nature.

A question may be divided if it includes two or more propositions so distinct in substance that if one thing is taken away, a substantive question will remain.

No more than one amendment and no more than one substitute motion may be made.

### RESOLUTIONS

Resolutions, which may be introduced in either house, are divided into two categories:

(1) A simple resolution is a formalized motion passed by one house. It is used to adopt or amend the rules of one house, to make recommendations on the districting and apportionment plan, or to regulate the internal affairs of the house adopting it. A simple resolution does not require three readings or a roll call vote.

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(2) A joint resolution must be adopted by both houses but is not subject to approval by the Governor. It may be used to:

(a) express a desire, opinion, sympathy, or request of the Legislature;

(b) request, but not require, a legislative entity to conduct an interim study;

(c) adopt, amend, or repeal the Joint Rules;

(d) set salaries or other employment terms for legislative employees;

(e) approve construction of a state building under 18-2-102 or 20-25-302, MCA;

(f) deal with disasters and emergencies under Title 10, MCA, specifically as provided in 10-3-302(3), 10-3-303(3) and (4), and 10-3-505(5), MCA;

(g) submit a negotiated settlement under 39-31-305(3), MCA;

(h) declare or terminate an energy emergency under 90-4-310, MCA;

(i) ratify or propose amendments to the United States Constitution;  
or

(j) advise or request the adoption, amendment, or repeal of a rule in the *Administrative Rules of Montana*, (ARM).

## BASICS OF BILLS

There are some relatively simple conventions that help to identify or clarify what is happening with changes proposed in a bill.

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Underlined material. Underlined material indicates one of two things: (1) the new, underlined language is to be included in an existing section of law; or (2) the underlined language has been added by amendment to the bill after introduction. In the second case, the language underlined is also in capital letters.

NEW SECTION. An exception to the note above about underlined material is a body of language that is wholly new and is proposed to become a section of the *Montana Code Annotated*. When this occurs, the body of new material will be identified by the capitalized and underlined words "NEW SECTION". Although all of the language contained in the "NEW SECTION" is new, proposed statutory language, it will not be underlined when identified in this manner.

Also, although all of the language in a NEW SECTION is new law, not all NEW SECTIONS will necessarily become part of the *Montana Code Annotated*. New sections appropriating funds are not codified, nor are sections imposing effective dates, applicability dates, termination dates, codification instructions, and so on. If you have a question regarding the language in a NEW SECTION, consult with a standing committee staffer or with the Code Commissioner in the Legislative Services Division.

Stricken material. Material that has a line through it is referred to as "stricken" and appears as ~~stricken~~. Stricken material usually indicates that the stricken language is eliminated altogether, but it may indicate that the language is only eliminated from its current location and relocated elsewhere in the bill or eliminated as written but rephrased elsewhere.

Bracketed material. Within bills, it is common to see sentences with bracketed words, such as "[Section 4]" or "[section 9]", etc. When the word "section" appears in square brackets and is followed by a number, the reference is to the numbered section of the bill. For example, "[section 1]" refers to the first section of the bill, "[section 2]" to the second section, and so on.

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Other conventions. Every bill is broken into "sections". A section, as used here, refers to a separate and specific part of existing law, i.e., the *Montana Code Annotated*, or to wholly new language that, when passed and approved, will become a separate and specific component of the MCA. Sections of the MCA, e.g., 5-2-301, MCA, are the fundamental building blocks of the MCA, in which MCA "sections" make up MCA "parts"; MCA "parts" make up MCA "chapters"; and MCA "chapters" make up MCA "titles". To place a particular segment of law into some context, e.g., 5-2-301, the first number, "5", refers to the MCA title, the second number, "2", refers to the chapter (within the referenced title), and the final group of numbers, "301", refers to a specific section of the MCA. (The first digit--"3" in this example--in a three-digit group refers to the "part" (within the chapter--"2" in this example--within the title--"5" in this example). If the final group of numbers has four digits, the first two digits reference the "part" in which the specific section will be found.)

To legislate effectively, it is essential to be able to read and understand bills, skills that become honed over time and with experience. The *Bill Drafting Manual 1996*, a publication of the Legislative Services Division, contains a wealth of information about the various components of bills, drafting conventions, and so forth, but it is written primarily for the technical drafters of bills. A copy of the manual may be obtained at the Legislative Services Division.

### BILL DRAFTING AND INTRODUCTION

After a written request by a member of the Senate or the House is received by the Legislative Services Division, a Legislative Services Division staff attorney or research analyst is assigned to draft the bill. A legislator other than the requestor may sponsor the bill when introduced. Predrafted bills submitted by a legislator are reviewed by Legislative Services Division staff to ensure conformance with standards of format and style and for legality.

Before 5 p.m. on December 5 preceding a regular session, the number of bills a legislator may request and preintroduce is unrestricted.

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After 5 p.m. on December 5, each legislator is limited to seven bill requests, only two of which may be requested after the Legislature convenes.

Excepted from the limitation are Code Commissioner bills, standing committee bills or resolutions, and bills or resolutions requested by newly elected state officials.

Also, to facilitate the preparation of bills proposed by any elected official of the Executive Branch, prior to November 1 preceding a regular session, staff may accept requests approved by those officials as requests of the Legislative Council. A Legislative Council request processed under this rule must be preintroduced. A request made under these provisions but not preintroduced must be canceled by the Legislative Services Division staff.

Typically, requests for legislation and materials relevant to those requests that are in the possession of the Legislative Services Division are public information and open to inspection. These requests are referred to as "staff drafts". However, a legislator may designate a request as a "legislator draft".

To be categorized as a "legislator draft", the legislator is required to designate the request as such upon submission to the Legislative Services Division. (A bill not designated as a legislator draft at the time that it is requested is categorized as a staff draft.) For a legislator draft, the requesting legislator is responsible to deliver the text of a draft to the Legislative Services Division in printed form and as a file on a computer diskette in a manner that conforms to the style required by the *Bill Drafting Manual* no later than the 20th legislative day of a regular legislative session. A legislator draft not delivered to the Legislative Services Division by the deadline must be canceled. (A legislator draft found by Legislative Services Division staff not to meet the current style requirements of the *Bill Drafting Manual* is regarded as not having been delivered and must be canceled.) The Executive Director or Legal Services Director of the Legislative Services Division shall notify a

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legislator immediately of a reclassification, including cancellation, of a draft under this rule.

After preparation and review by the Legislative Services Division staff, which includes legal review, editing, and proofreading, bills are stored in a sophisticated, large-capacity word processing system, printed, and delivered in duplicate to the requestor. The original bill cover is stamped and signed to verify Legislative Services Division preparation and review; without that verification, the bill may not be introduced.

Prior to the opening of the session, bills may be preintroduced, numbered, and reproduced by the staff of the Legislative Services Division. All preintroduced bills are available to the public.

During the session, a bill is introduced when the sponsor endorses it with his or her name and both the original and the duplicate copy are presented to the Secretary of the Senate or the Chief Clerk of the House. Bills or joint resolutions may be sponsored jointly by Senate and House members, with introduction in the house in which the legislator whose name appears first on the bill is a member. The chief joint sponsor's name appears immediately after the first chief sponsor's name. Once introduced, the bill may not be withdrawn, nor may the chief sponsor's name be removed. (At this writing, legislative leadership is considering disallowing any cosponsor's name to be removed from an introduced bill as well.)

Bills, joint resolutions, and simple resolutions are numbered consecutively in the order of their filing in separate series in each house.

A bill proposed by a legislative committee or introduced by request of an administrative or executive agency or department is designated, following the names of the sponsors, "By Request of the . . . (name of committee or agency)".

Submission of drafting requests is subject to the following schedule under the Joint Rules of the 54th Legislature:

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|                                                                                                                                                                                        | Request Deadline:<br><u>by 5 p.m. on Legislative Day</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| General bills and resolutions                                                                                                                                                          | 10                                                       |
| Revenue bills                                                                                                                                                                          | 17                                                       |
| Committee bills and resolutions                                                                                                                                                        | 36                                                       |
| Committee revenue bills                                                                                                                                                                | 62                                                       |
| Committee bills implementing provisions of the general appropriations act                                                                                                              | 75                                                       |
| Interim study resolutions                                                                                                                                                              | 75                                                       |
| Appropriation bills                                                                                                                                                                    | No deadline                                              |
| Resolutions to express confirmation of appointments                                                                                                                                    | No deadline                                              |
| Bills directing the adoption or amendment of or repealing administrative rules and joint resolutions advising or requesting the adoption, amendment, or repeal of administrative rules | No deadline                                              |

All bills and resolutions must be introduced within 2 legislative days after delivery.

Approval by the Rules Committee is necessary for introduction or reception of a bill in a house after that house has rejected during that session a bill intended to accomplish the same purpose. Failure to override a veto does not constitute final rejection.

In the Senate, introduction of a standing committee bill requires consent of at least three-fourths of the members of the committee, and

## LEGISLATIVE PROCEDURES

in the House, the consent of two-thirds of the members of the committee is required.

### **FIRST READING, REFERRAL**

After introduction, a bill is required to be publicly posted by a listing of its title in the house of origin and by a summary of its title and by its history in the second house, along with an announcement of the committee to which it has been assigned. That posting serves as the first reading of the bill.

A bill may not be considered or enacted without referral to and return from a committee. The presiding officer refers each bill to a committee after introduction. In the Senate, a bill may be rereferred at any time before its passage, and in the House, it may be rereferred by a vote of not less than three-fifths of the members present and voting. A hearing by the committee is not required, but custom provides that each bill be subject to a hearing. Advance notice of a hearing is not required, but 3 days advance announcement is customary.

### **SECOND READING, COMMITTEE OF THE WHOLE**

All bills and resolutions reported from committee and accepted by the house concerned, except consent calendar bills, are posted on the calendar for consideration by the Committee of the Whole on second reading (debate stage). The Committee of the Whole is presided over by another legislator appointed by the President or the Speaker.

A member may move to segregate a bill prior to the adoption of the Committee of the Whole report and after debate; if the motion prevails, the bill remains on second reading. If a Committee of the Whole report on a bill is rejected, the bill remains on second reading.

In the Committee of the Whole, a Senator may not speak more than twice and a Representative may not speak more than once and for no more than 5 minutes. However, in each house, the sponsor of the bill or motion may also speak in closing.

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### THIRD READING

Except on the last legislative day, the rules require that at least 1 day must intervene between any two of the required three readings of a bill. Because amendment of a bill is not permitted at this stage, changing a bill after it has reached third reading requires that it be returned to second reading for purposes of amendment. The vote on third reading determines a bill's passage or rejection and, on certain types of bills, whether it meets the requirement for more than a majority vote.

### TRANSMITTAL DATES

The Joint Rules of the 54th Legislature allow the receiving house to decline to consider any bill, except appropriation or revenue bills or amendments considered by joint committees, transmitted from the house of origin after the 45th legislative day.

In addition to the general transmittal deadline on the 45th legislative day, there are also specific deadlines for the transmittal of appropriation and revenue bills, amendments to bills from the second house back to the first house, amendments to appropriation and revenue bills, and so on. (For general informational purposes, a "revenue bill" is one that would either increase or decrease revenue.) Because these transmittal deadlines are traditionally negotiated for each legislative session, it is best to consult the current *Rules of the Montana Legislature* or the presiding officers of the Rules Committees.

In any of the situations noted above, the receiving house may by a vote of two-thirds of its members accept for consideration a bill, including an amended bill, transmitted after the deadline.

Immune from transmittal deadlines are bills directing the adoption or amendment of or repealing administrative rules and joint resolutions advising or requesting the adoption, amendment, or repeal of administrative rules.

## LEGISLATIVE PROCEDURES

### CONSENT CALENDAR

A device to reduce the congestion of measures on the floors of the houses and to speed the flow of legislative business is the consent calendar under which noncontroversial bills and simple and joint resolutions qualifying are processed according to these provisions:

(1) The legislation must be unanimously recommended "do pass" or "do pass as amended" by the members of the standing committee in attendance. A motion must be made and passed unanimously to place the legislation on the consent calendar and must be noted in the committee report. Appropriation or revenue bills are not eligible for the consent calendar.

(2) The legislation bypasses second reading, is reproduced as a third-reading version, and is marked "consent calendar".

(3) After immediate posting on the consent calendar, the legislation is considered on the next legislative day under Order of Business No. 11, Special Orders of the Day, when a "reasonable time" is allowed for questions and answers upon request. No debate is allowed.

(4) If three members object in writing, the legislation is removed from the consent calendar and added to the regular second-reading board.

(5) Consent calendar legislation is voted on individually following third reading, with the roll call vote regarded as final.

### STATEMENT OF INTENT

Under current law, 5-4-404, MCA, requires that a statement of intent must be part of every introduced bill that delegates rulemaking or licensing authority, and at any time during the process, a bill may be amended to add a statement of intent. The statement of intent is not law *per se*, but only an indication of legislative purpose or limitation. Consequently, the usefulness of statements of intent has come under

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increasing scrutiny in recent years, and the requirement may be eliminated through legislation or rules revision in 1997.

Until that occurrence, however, the statement of intent is used to guide the details of interpretation by those charged with implementing the bill and is phrased in terms of contingencies, examples, or other matter inappropriate for expression as statutory language. The statement of intent is subject to approval, amendment, or rejection by either house.

Lacking a two-thirds vote by a standing committee, the Committee of the Whole, or a conference committee, a statement of intent may not accompany a bill that does not statutorily require one.

### EFFECTIVE DATES

Unless a different time is prescribed within legislation, effective dates of legislation are:

- (1) statutes other than appropriation or revenue bills —  
October 1 following passage and approval;
- (2) appropriation bills — July 1 following passage and approval;
- (3) revenue bills (increasing or decreasing taxes or fees) —  
January 1 following passage and approval;
- (4) resolutions and joint resolutions — on passage.

### JOURNALS

The Senate and House Journals provide a record of all actions taken on introduced bills and resolutions. The journals are printed daily during the session, and they set forth the text of communications between houses, committee reports, transmittal correspondence to and from the executive, and votes on motions, amendments, and bills.

## LEGISLATIVE PROCEDURES

In each house, a process has been recommended for the clerical preparation of a daily journal draft, review of the draft, and final approval. Essentially, the process calls for an initial draft of the daily journal to be prepared and checked for correctness prior to the business of the house convening on the following legislative day. Subsequent to the preparation of the clean draft, members would have a set period of time (10 days is proposed) to review the draft journal. If a member requested a change that would improve the accuracy of the journal, the President or Speaker could direct incorporation of the change. Following incorporation of any changes in the initial draft, a final draft would be proofed for accuracy and prepared for the presiding officer's signature. Once signed by the presiding officer, the journal would be final and unchangeable.

If a subsequent discovery of error in the journal occurred, the error could be corrected only on adoption of a motion, with the correction noted on a subsequent journal.

NOTE: This process for creating journals has not been adopted as of this writing.

The journals are not verbatim and do not contain a transcript of debate in the Committees of the Whole.

After session, the daily journals are published electronically on CD-ROM by the Legislative Services Division. The electronic version contains search software that allows the user to search the journals in a wide variety of ways. The CD-ROM of the journals is available on the World Wide Web.

If a legislator wishes to have a complete printed copy of the journal for the session, he or she should compile the journals on a daily basis because a compilation of the printed daily copies is not published.



## CHAPTER IV

### LEGISLATIVE PUBLICATIONS

#### SESSION LAWS

Immediately following signing by the Governor of a bill previously approved by both houses, it is filed with the Secretary of State, who assigns to each act a chapter number according to the chronological sequence of the reception by the Secretary of State's office, except resolutions, which continue to be cited by the number assigned by the Senate or the House at the time of introduction.

Publication of all the permanent laws, appropriations, and resolutions from a session of the Legislature is arranged as soon as possible by the Legislative Services Division in a set of volumes known generically as the "session laws" and formally under the appropriate title as *Laws of Montana*, ## *Legislature 19##*.

The session laws contain tables of *Montana Code Annotated* sections affected and previously uncodified laws affected, cross-references of bills and chapter numbers, tables of effective dates, and tables showing where each section of each act has been placed in the Code.

#### MONTANA CODE ANNOTATED — STATUTE TEXT

"Prima facie the official laws of Montana" is the *Montana Code Annotated* (MCA), which is an orderly and logical arrangement of all the laws enacted by territorial and state legislatures that have not been repealed or superseded, with the exception of certain nongeneral, nonpermanent statutes, such as severability, construction, validating, repealing, or similar provisions that do not require codification.

First adopted by the 1979 Legislature, the recodified laws known as the MCA continued but replaced the *Revised Codes of Montana, 1947*, which in turn had succeeded the codifications of 1935, 1921, and 1907.

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Accompanying each MCA section are its statutory history, editorial notes, cross-references, and other relevant material.

The Code Commissioner, a statutory office within the Legislative Services Division, compiles the newly enacted laws within the framework of the MCA. Each new law is inserted within the existing statutes in a location where it is associated with other laws pertaining to similar subjects or where its substantive provisions are complemented or effectuated through interrelationship with definitions or references within that title, chapter, or part.

If the new law deals with a subject not previously contemplated in the statutes, a completely new title, chapter, or part may be added.

If a bill is enacted to change existing law, pertinent sections in the MCA must be amended to conform with the change.

A supplement to the MCA in 12 volumes in separate and accompanying looseleaf binders is the *Montana Code Annotated Annotations*, arranged in separate removable booklets, each containing an individual title. The annotations contain references to administrative rules, summaries of Supreme Court decisions and Attorney General's opinions, law review articles relating to the Code, and other collateral references, such as to legal encyclopedias, model acts, and relevant publications. The annotations include other helpful resources, such as tables of corresponding sections that allow the tracking of particular items of law from one generation of the state codes to another or from Uniform laws to Montana laws, a table of session laws showing the locations in the Code of the chapters of the session laws since 1909, a table showing the location of the pre-1973 criminal code provisions, descriptions of county boundaries, the Declaration of Independence, the United States Constitution, the Montana Constitution of 1889, and pertinent federal acts, e.g., "The Enabling Act" and "Ordinances No. 1 and No. 2".

A multivolume index to the MCA and the Montana Constitution provides the user with a convenient reference, by subject, to all material

## LEGISLATIVE PUBLICATIONS

codified. Also included are a Words and Phrases Index, a comprehensive listing of each word or phrase defined in the Code; and a Popular Name Index, a listing by short title or popular name, with a citation to Code location, of each act or group of sections having a short title or popular name.

A complete set of the MCA, upon publication after the regular session, is available to each legislator at a cost of \$10, which covers only the shipping cost. The MCA is also published on CD-ROM and is available to each legislator at a cost of \$10. Orders may be placed with the Legislative Services Division.

## LEGISLATIVE REVIEW — FINAL STATUS

The *Legislative Review* and the *History and Final Status* are a pair of useful compendiums published by the Legislative Services Division after the adjournment of each regular session.

The *Legislative Review* publishes the title of every bill passed and approved, including each appropriation and resolution. Legislation, including appropriations, is arranged in sequence according to session law chapter number, except for resolutions, which are arranged in sequence according to bill number. Also included are tables of affected MCA sections and affected session laws, a table of session law chapters to MCA sections, a table of effective dates, and tables of bill numbers to chapter numbers and chapter numbers to bill numbers.

The *History and Final Status* details the history of each bill or resolution introduced, including committee referrals and hearing dates, the stages of its progress through the legislative process with recorded votes, and its final disposition. Senate and House bills are segregated and arranged in sequence, matching the numbers assigned upon introduction. A table of effective dates of all acts is included.

Detailed subject indexing in both the *Legislative Review* and the *History and Final Status* provides easy reference.

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The Legislative Services Division has published *Sources of Information and Publications*, a complete guide to all information resources for legislators and interested persons both during and after a legislative session. A copy may be obtained from the Legislative Services Division.

## CHAPTER V

### INTERIM ACTIVITY

The regular biennial legislative session occupies only about one-sixth of the lifespan of a Legislature. The members do not escape from legislative responsibilities, however, during the 20 months until the convening of a new Legislature. In addition to special sessions that called the entire Legislature to Helena several times in recent years, numerous statutory committees, interim study committees, and national legislative research organizations have kept many members' attention and energy focused on between-sessions work. This chapter provides an overview of those interim activities.

### STUDY COMMITTEES

The formation and function of an interim committee were explained a number of years ago by Robert Person, then Director of the Legislative Services Division's research division, in the *Interim Directory of Legislative Committees*. These details are excerpted from that explanation and are still apropos:

#### Inception of an Interim Study Subcommittee

A study is first requested in a Joint Resolution adopted by the Legislature. Section 5-5-217, MCA, requires the Legislative Council to prepare a list of study resolutions adopted and to distribute it to all the legislators for their votes on priority of study immediately after the session. Following the requirements of the same section of law, after prioritization, the Legislative Council designates the subcommittees to which studies are to be assigned, and the Speaker and the Committee on Committees then appoint members. Section 5-5-211, MCA, provides that four members of each house be appointed. No more than two members from a house may be from one political party.

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### Assignment of Staff

The Office of Research and Policy Analysis of the Legislative Services Division has primary responsibility for providing staff support to the interim subcommittees. A principal staff member is assigned to each subcommittee from among the research staff. The Legislative Services Division assigns one of the staff attorneys from the Office of Legal Services to provide legal support to the principal staffer and to the subcommittee.

### Calling the First Meeting

Tradition and protocol have dictated that the senior Senator appointed to the interim subcommittee serve as acting presiding officer for the purpose of calling the first meeting and presiding over the selection of a permanent presiding officer. In practice, the acting presiding officer and staff work together to find a date as convenient as possible for the members and staff.

### Selecting the Presiding Officer

The selection of subcommittee officers is the first order of business for an interim subcommittee. The presiding officer and vice presiding officer may not be members of the same political party.

### Conducting the Study

The study and its direction, content, and conclusions are those of the subcommittee rather than the staff. Staff members assist the subcommittee to accomplish the interim study purpose of pursuing assigned public policy questions so as to discover all facts relevant to the question, to discuss and evaluate those facts, and to formulate policy recommendations representing the synthesis of those facts and political judgments. It is a duty of staff to present a proposed study design and work plan to the subcommittee for its consideration at the first meeting, but it is a subcommittee

## INTERIM ACTIVITY

responsibility to adopt a plan and a subcommittee prerogative as to what the plan contains.

### Subcommittee Budget

The number of meetings that a subcommittee can hold depends on its budget. Its budget is a share of the total appropriated to the Interim Committees and Activities Program within the Legislative Services Division to support the activities. The Legislative Council considers the preliminary study and work plan for each subcommittee and allocates a budget for each accordingly.

### Submission of a Final Report

At the completion of a study, the staff prepares a final report for the subcommittee that will contain a recount of what the subcommittee found in its study, supporting documents as required, and copies of legislation recommended for adoption by the subcommittee. Sufficient copies are printed to meet the anticipated demand for distribution to the Legislature and members of the public, as well as to libraries and interstate groups.

Complete lists of the membership of the Legislature's permanent (statutory) committees and interim study committees and an explanation of their tasks are included in the *Interim Directory of Legislative Committees*, available from the Legislative Services Division.

For members who are interested in serving on interim committees, the following is a complete listing of statutory committees whose memberships will be chosen from the 1997 legislators:

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## APPOINTMENT ROSTER FOR 1997 LEGISLATURE (Updated October 21, 1996)

| Committee to Be Appointed                    | Deadline for Appointment                                   | Appointing Authority and Number of Members                                                                                                                | See MCA Cite for Details         |
|----------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Environmental Quality Council                | Before 50th Day<br>March 7, 1997 (est.)                    | Speaker (6)<br>Comm. on Comms. (6)<br>2 public members by Speaker (2)<br>2 public members by Pres. of Senate<br>*See endnote on appt. of public members   | 5-16-101<br>5-16-103<br>5-16-104 |
| Legislative Council                          | Immediately following organization of the Senate and House | Speaker ex officio<br>House Min. Ldr. ex. officio<br>Speaker (4)<br>Pres. of Senate ex officio<br>Sen. Min. Ldr. ex. officio<br>Comm. on Comms. (4)       | 5-11-101<br>5-11-102             |
| Leg. Branch Computer System Planning Council | No deadline                                                | All ex officio, with exceptions                                                                                                                           | 5-11-402                         |
| Legislative Audit Committee                  | Before end of session<br>April 29, 1997 (est.)             | Speaker (6)<br>Comm. on Comms. (6)                                                                                                                        | 5-13-202                         |
| Legislative Consumer Committee               | Before 60th Day<br>March 20, 1997 (est.)                   | Speaker (2)<br>Comm. on Comms. (2)<br>**See endnote                                                                                                       | 5-15-101 thru<br>5-15-105        |
| Administrative Code Committee                | Before 60th Day<br>March 20, 1997 (est.)                   | Speaker (4)<br>Comm. on Comms. (4)                                                                                                                        | 5-14-101<br>5-14-102             |
| Revenue Oversight Committee (ROC)            | Before 90th Day<br>April 29, 1997 (est.)                   | Speaker in consultation with Chair of House Tax & Minority Leader (6)<br><br>Comm. on Comms. in consultation with Chair of Sen. Tax & Minority Leader (6) | 5-18-102<br>5-18-103             |
| Legislative Finance Committee                | By end of session<br>April 30, 1997 (est.)                 | Speaker (2)<br>Chr. House Approp. (4)<br>Comm. on Comms. (2)<br>Chr. Sen. Finance (4)                                                                     | 5-12-202<br>5-12-203             |
| Committee on Indian Affairs                  | By end of session<br>April 30, 1997 (est.)                 | Speaker (4)<br>Comm. on Comms. (4)<br>Bipartisan                                                                                                          | 5-19-101 thru<br>5-19-108        |

## INTERIM ACTIVITY

|                                                               |                                            |                                                                                   |           |
|---------------------------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------|-----------|
| Gaming Advisory Council                                       | End of each member's term on Council       | Speaker (1)<br>Comm. on Comms. (1)                                                | 2-15-2021 |
| Council of State Governments (CSG)                            | Upon receipt of request from CSG           | Legislative Council                                                               | 5-11-301  |
| National Conf. of State Legislatures (NCSL)                   | Upon receipt of request from NCSL          | Legislative Council                                                               | 5-11-301  |
| Pacific Northwest Economic Region                             | No deadline                                | Speaker (1)<br>Pres. of Senate (1)<br>House Min. Ldr. (1)<br>Senate Min. Ldr. (1) | 5-11-703  |
| Microbusiness Advisory Council - Legislative Consulting Panel | On or before 10th Day Jan. 16, 1997 (est.) | Speaker (2)<br>Comm. on Comms. (2)                                                | 17-6-411  |
| Reserved Water Rights Compact Commission                      | No deadline                                | Speaker (2)<br>Pres. of Senate (2)                                                | 2-15-212  |
| Oversight Committee on Children and Families                  | No deadline                                | Speaker (4)<br>Comm. on Comms. (4)                                                | 5-22-101  |
| Future Fisheries Review Panel                                 | August 1, 1995                             | Speaker (1)<br>Comm. on Comms. (1)<br>Governor (8 or more)                        | 87-1-273  |

### **\* Environmental Quality Council**

Chapter 142, L. 1987, amended 5-16-104, MCA, to require vacancies for public members to be noticed in the following manner:

"(2) (a) When a vacancy on the council of a member appointed under 5-16-101(3) has occurred or is expected to occur, the appointing authority shall have posted in a conspicuous place in the state capitol a notice announcing the actual or anticipated vacancy and describing the procedure for applying for appointment.

(b) A copy of the notice required under subsection (2)(a) must be sent to the lieutenant governor, who may publish the notice in an appropriate publication."

According to 5-16-103, MCA, the term of appointment for membership to the Environmental Quality Council is for 2 years. Any member may be reappointed to the Council, with the limitation that a member may not serve on the Council for a period of more than 6 years.

When appointing the "public members", the President and the Speaker must have the consent of the minority leader of the respective house. (See 5-16-101, MCA.)

### **\*\* Legislative Consumer Committee**

According to 5-15-102, MCA, certain persons are ineligible for appointment to the Legislative Consumer Committee.

"5-15-102. Ineligibility for appointment. Any person who is an employee, agent, officer, partner, or director of any regulated company or who has served a regulated company in any capacity within the 3 years previous to his appointment may not be a member of the committee."



## CHAPTER VI

### NEWS MEDIA

As mentioned in Chapter II, ADMINISTRATIVE NUTS AND BOLTS, typists are available for dictating and typing of news releases. During legislative sessions, many television news staff members are located in Room 2 (basement) of the Capitol and many newspaper staff members are located in Room 329.

For your information, the following news media cover the Legislature:

| <u>News Service</u>  | <u>Helena Address</u> | <u>Phone No.</u>        |
|----------------------|-----------------------|-------------------------|
| Associated Press:    |                       |                         |
| Bob Anez             | P.O. Box 5810         | 449-5542                |
| Len Iwanski          |                       | 442-7440                |
| Bill Kronholm        | Capitol FAX           | 449-6140                |
|                      | Cedar St. FAX         | 442-5162                |
| Lee Newspapers:      |                       |                         |
| Charles S. Johnson   | P.O. Box 1676         | 443-4920                |
| Kathleen McLaughlin  |                       | FAX 443-0034            |
| Erin Billings        |                       |                         |
| Great Falls Tribune: |                       |                         |
| Capitol Bureau       | 104 Broadway #7       | 442-9493                |
| Mike Dennison        |                       | FAX 442-9413            |
| KTVH-TV NEWS:        |                       |                         |
| Michelle Cork        | 2433 N. Montana Ave.  | 443-5050                |
| Rex Kendall          |                       | FAX 442-5106            |
| Christina Peak       |                       | 443-5087 (after 5 p.m.) |
| Joe Chiazese         |                       |                         |
| Diane Burke          |                       |                         |

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### MTN NEWS

Paul Bergen

P.O. Box 213  
Capitol Station

442-4641  
FAX 449-6323

### KULR/KFBB-TV

Elizabeth Baatz  
Capitol Bureau Chief

P.O. Box 224  
Room 2, Capitol

443-6390

### KUFM PUBLIC RADIO

Sally Mauk

Room 2, Capitol  
Missoula

Available 1/6/97  
(406)243-4079

Missoula FAX (406)243-3299

The pressroom in the State Capitol is located in Room 329. The reporters may also be contacted at the press table in each house.

Accredited press representatives have access to every public legislative meeting or hearing and may not be prohibited from photographing, televising, or recording the committee or house hearings subject to the discretion of the presiding officer in all matters of decorum and order.

To gain access to the Senate floor, media members must register in the office of the Secretary of the Senate and will receive a media identification card.

## **CHAPTER VII**

### **LEGISLATIVE INTERNS AND AIDES**

The Legislature has provided a program for college students as a means of better informing them about the Legislature, its process of lawmaking, and the responsibilities involved.

#### **LEGISLATIVE INTERNS**

The official legislative intern program was initiated in 1967 under Senate Resolution No. 1 of the Extraordinary Session. From as few as 2 to a maximum of 11 interns have served each session since that time.

In 1974, the Legislature enacted the Legislative Intern Act of 1974 (Title 5, chapter 6, MCA). This Act provides for one intern from each unit of the six major state institutions of higher education; an additional 5 interns may be chosen from applications submitted by the college presidents—a total of 11 interns.

Applications for selection as an official legislative intern are available in September before a session through the intern coordinator at each Montana college or university, and completed applications must be returned to the Legislative Services Division.

Many other interns work during a legislative session who are not sponsored by the Legislature. They are participants in programs offered by educational institutions or private entities. A leader in this activity is the University of Montana Cooperative Education Internship Program, which offers students in many academic disciplines the opportunity to gain practical experience related to their study programs. Information is available from the University of Montana-Missoula.

Some interns receive stipends from the organization or individual they serve. Official legislative interns do not receive a stipend.

## A LEGISLATOR'S HANDBOOK

### OFFICIAL GUIDELINES: MONTANA LEGISLATIVE INTERN PROGRAM FOR 1997

These general policy guidelines establish the duties and responsibilities of both the interns and their sponsors. Sections 5-6-101 through 5-6-111, MCA, the Legislative Intern Act of 1974, underpin the guidelines.

Purpose. The purpose of the Montana Legislative Intern Program is to provide to advanced students at Montana institutions of higher learning a working knowledge of representative government through observation of the Montana Legislature during its regular sessions.

Administration and supervision. The intern program is administered and supervised by the Legislative Council. Questions or comments should be directed to the Legislative Council presiding officer or to the Executive Director of the Legislative Services Division (LSD).

Term of service. Each legislative intern serves for ten weeks during the regular session of the Legislature.

Number of interns -- selection. Up to 11 interns may be named. Six interns may be named by the presidents or chancellors of the following six units of higher education:

|                                                      |          |
|------------------------------------------------------|----------|
| University of Montana-Missoula                       | 1 Intern |
| Montana State University-Bozeman                     | 1 Intern |
| Montana State University-Billings                    | 1 Intern |
| Montana State University-Northern                    | 1 Intern |
| Western Montana College of the University of Montana | 1 Intern |
| Montana Tech of the University of Montana            | 1 Intern |

## LEGISLATIVE INTERNS AND AIDES

Tribal colleges, private colleges, and 2-year public colleges in the state may also establish an intern program. Beyond the six internships specified for the major public institutions noted above, five additional interns may be chosen from applications submitted to the Legislative Council.

Intern qualifications. The following qualifications of interns are required:

1. at least one course of "government" or its equivalent as a course of study at an institution of higher education;
2. at least the level of a junior at a 4-year institution of higher learning or at least the level of a sophomore at a 2-year postsecondary institution; and
3. exhibition of the necessary degree of scholastic achievement, leadership, and involvement in community affairs.

Montana high school graduates will be given preference.

Enrollment in a particular academic discipline is not a requirement for participation in the intern program. Students from all academic disciplines are encouraged to apply.

Assignment. Each intern will be assigned to a legislator (sponsor) by the Legislative Council. The sponsor is to provide the immediate supervision of the intern for duties performed.

Duties-responsibilities to be performed by the intern for the sponsor. The following duties may be assigned at the discretion of the sponsor:

1. bill analysis and bill summaries;
2. specifically assigned research projects;

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3. drafting of committee statements or speech to be given by the sponsor to a citizen group, etc.;
4. drafting amendments to bills;
5. answering constituent mail;
6. preparation of daily status of bills of particular interest to the sponsor;
7. preparation of daily agenda of bills to be heard in committees of which the sponsor is a member; and
8. assistance to the sponsor in any way possible by gathering information, making necessary phone calls and appointments, and so on.

Interns will not be allowed to attend political party caucuses or other privileged political meetings called by party leadership during the session unless the sponsor obtains consent of the caucus.

All nonassigned research projects conducted by interns for their own use must be approved *a priori* by their legislative sponsors.

All nonassigned research projects conducted by interns that might be printed for general distribution or otherwise released to the general public must be approved *a priori* by the Legislative Council.

Lobbying by interns is prohibited. Interns may not solicit votes from legislators in favor of or in opposition to any bill, amendment, or issue before the Legislature.

Sponsor's responsibilities. A legislator to whom an intern is assigned should attempt to expose the intern to all steps in the legislative process, at a minimum including:

1. initial organization and opening day procedures;

## LEGISLATIVE INTERNS AND AIDES

2. standing committee procedures;
3. relationship of the legislators to lobbyists, executive officials, constituents, representatives of the news media, and other legislators;
4. research techniques;
5. public hearings;
6. legislative leadership procedures;
7. duties of legislative employees;
8. the entire bill process, including the mechanics of a veto by the Governor; and
9. services provided by legislators for constituents.

Any problems arising between the sponsor and the intern should be referred to the Legislative Council presiding officer or Executive Director of the Legislative Services Division.

An intern's supervising professor may contact the sponsor for periodic reports regarding the internship.

Academic credit. Academic credit should be arranged by the student with the respective school before attendance.

Stipend. No stipend or expense reimbursement is provided by the Legislative Council or the Legislature for the Montana Legislative Intern Program.

## LEGISLATIVE AIDES

Legislative aides have, in the past, been chosen by individual legislators to work as private aides. Any compensation or

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reimbursement of expenses is the responsibility of the legislator. The Legislature provides no funds for compensating or reimbursing aides.

Aides are required by Joint Rule to register with the Secretary of the Senate or the Chief Clerk of the House or the Secretary of the Senate and are issued distinctive identification, such as name tags. An aide must be of legal age unless otherwise approved by the presiding officer.

The responsibility of an aide is to the sponsoring legislator to do whatever is agreed between the legislator and the aide. A member may not designate more than one aide without approval of the Rules Committee of the house in which he or she serves.

## **CHAPTER VIII**

### **SERVICES TO CONSTITUENTS**

Various personnel and methods are made available to constituents so that they may be kept fully informed of legislative activities and issues.

#### **LEGISLATIVE INFORMATION OFFICE AND TELECOMMUNICATIONS**

The Legislative Information Office is under the supervision of the Legislative Services Division and will be located in the Capitol either in Room 356 or in a room or space that as of this writing has not been finalized. The purpose of this Office is to answer inquiries of citizens concerning legislative activities, including the status of a bill, committee hearings, etc. The Office staff also answers calls, forwards messages to legislators, and transmits and receives faxes on behalf of legislators.

#### **GUIDE SERVICE — MONTANA HISTORICAL SOCIETY**

The Montana Historical Society conducts guided tours of the Capitol for students and other visitors. The Legislative Information Office advises legislators when schools are visiting from their respective districts.

#### **SECRETARY OF THE SENATE — CHIEF CLERK OF THE HOUSE**

The staff of the Secretary of the Senate and the Chief Clerk of the House can provide information on the status of a particular piece of legislation, the schedule of standing committee hearings, and recorded votes.

The Secretary of the Senate and the Chief Clerk of the House are the chief administrative officers of the two bodies. They are responsible for receiving introduced bills from legislators, organizing the floor business for each house at the direction of the President or Speaker, transmitting bills to assigned committees, receiving bills from

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committees, and transmitting approved bills to the other house or to the Governor. They each serve also as the *de facto* chief of staff for the respective house.

### WITNESSES AT A STANDING COMMITTEE HEARING

Information of value to a constituent who wishes to appear as a proponent or opponent of a bill in standing committee is detailed in Chapter X, STANDING COMMITTEE PROCEDURES. A legislator may also want to talk with the committee presiding officer before a bill is to be heard for additional information on a particular hearing.

### MAILING BILLS TO CONSTITUENTS

Because of the costs involved, copies of all bills are not ordinarily mailed to constituents. However, bills of particular interest may be mailed in the same manner as other outgoing mail.

Copies of all bills and other legislative proceedings, such as journals and status sheets, are mailed daily to all County Clerks. Interested persons may read the legislative proceedings at their County Clerk's office.

Constituents may also subscribe, for a fee, to receive proceedings.

### ONLINE SERVICES

The State of Montana provides a bulletin board system (BBS) that contains much government-related data, including legislative information. This system is supported by the Office of Public Instruction (OPI) and is available through the Internet as well as by the standard dial-up process.

For more information, call the OPI at (406)444-3563, or write to the OPI, P.O. Box 202501, Helena, MT 59620-2501. Free client software is furnished by the OPI to provide the user with improved access to the BBS.

## SERVICES TO CONSTITUENTS

Available toll-free to Montana citizens by dialing 1-800-962-1729 (out-of-state users must dial (406)444-5648), this system contains the text of introduced and amended bills, daily journals, session laws, and numerous legislative reports, including hearing calendars, agendas, and bill status lists.

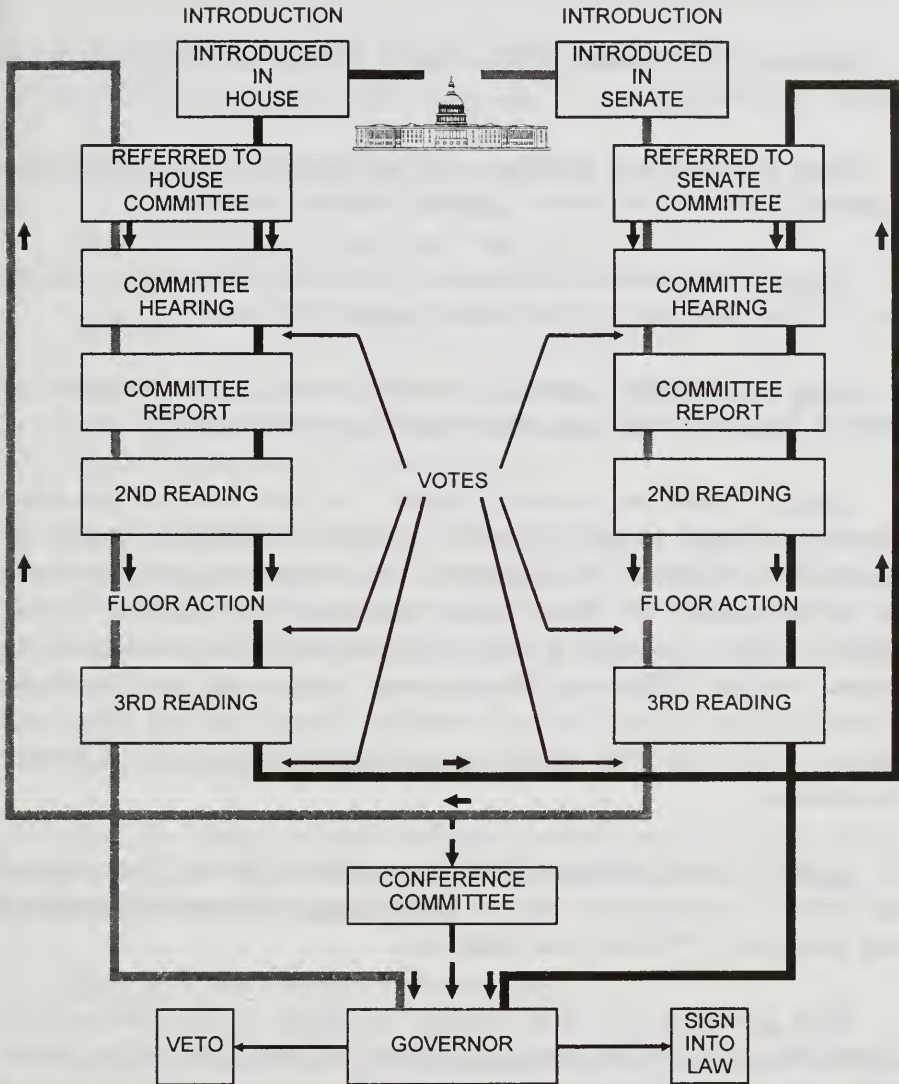
Some of the data is viewable online on the BBS, but most of the data (including bill text) must be downloaded to your PC in order to use it.

Internet users can also check the Legislative Branch home page at <http://www.mt.gov/leg/branch/branch.htm>. The Legislative Branch plans to provide the same legislative data on this home page that is available from the BBS.



## CHAPTER IX

### HOW A BILL BECOMES A LAW



### HOW A BILL BECOMES A LAW

The following 23-step description provides a narrative detail of how a bill becomes law.

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Step 1. Introduction. Bill is filed for introduction with Secretary of Senate or Chief Clerk of House.

Step 2. First reading. Bill's title is posted, and bill is ordered printed on white paper.

Step 3. Committee reference. Bill is referred to proper committee by Senate President or House Speaker. Referral is posted.

Step 4. Committee consideration. Committee holds public hearing on bill, then discusses it. May vote to amend bill.

Step 5. Committee report. Committee reports its recommendation that bill "do pass", "do pass as amended", or "do not pass".

Step 6. Placed on calendar. Simple "do pass" and "do not pass" reports are printed as such in journal. Text of amendments reported by committee is printed in full. Bills receiving favorable reports are printed on yellow paper in first house (tan paper in second house), incorporating any reported amendments, and are placed on calendar for second reading. Bills with "do not pass" reports are not placed on second-reading calendar unless a motion is made to that effect and passed. If "do not pass" report is adopted, bill drops out of further consideration.

Step 7. Second reading. Entire body debates bill as "Committee of the Whole". Amendments may be offered and voted on. Bill defeated here drops out of further consideration.

Step 8. Placed on third-reading calendar. Bill approved by Committee of the Whole is ordered printed on blue paper in first house (salmon paper in second house), incorporating all amendments made up to that point. (This is known as an "engrossed" bill.)

Step 9. Third reading. Bill subjected to simple "yes" or "no" vote by entire body, in which (by constitutional requirement) each member's

## HOW A BILL BECOMES A LAW

vote must be recorded and printed in journal. No amendments may be considered. Bill defeated here drops out of further consideration.

Step 10. Transmittal to other house. Same as Step 1 introduction, except other house works with blue copy.

Step 11. First reading. Summary of title and history is posted.

Step 12. Committee reference. See Step 3.

Step 13. Committee consideration. See Step 4.

Step 14. Committee report. Second-house committee phrases a favorable report as "be concurred in" or "be concurred in, as amended". Unfavorable report is "be not concurred in".

Step 15. Placed on calendar. Same as Step 6, except that instead of a yellow-paper copy, bill is prepared for second reading with committee amendments to blue copy included in bill and printed on tan paper. Bill with unfavorable report is not placed on calendar unless committee recommendation is reversed by full body.

Step 16. Second reading. Same as Step 7.

Step 17. Placed on third-reading calendar. Same as Step 8, except reference bill is reprinted on salmon-colored paper and includes all amendments made in second house.

Step 18. Third reading. Same as Step 9.

Step 19. Bill passed by both houses in identical form. Enrolled and sent to Governor.

Step 20. Bill passed by both houses in differing forms:

Second house returns bill to house of origin approved with amendments, sent with message requesting concurrence in amendments.

## A LEGISLATOR'S HANDBOOK

Question is voted in Committee of the Whole, e.g., "Shall the (Senate) amendments to (House) Bill No. \_\_\_ be concurred in?" If vote in house of origin is in favor of concurrence, bill is enrolled.

If a motion is made and adopted that amendments not be concurred in, originating house will usually request a conference committee (or it may send a message to second house asking it to recede from its amendments). If a conference is sought, a motion is made to authorize Senate President or House Speaker to appoint a conference committee (regular or free) to meet with a like committee from other house to resolve differences. (Regular conference committees may consider only disputed amendments; free conference committees may revise any part of bill.) This action, if approved, is communicated to second house in a message, and second house then appoints a conference committee in same manner.

Step 21. Conference committee reports. If conferees settle differences, each contingent reports to its parent body that bill be further amended in some fashion or that one house recede from amendments and that bill then be approved. Amendments adopted by conference committees are printed on green (House) or pink (Senate) paper. Adoption of conference committee report means house approves bill as conferees recommend.

If conferees cannot settle differences, they report their disagreement and either body may ask that a new conference committee be appointed.

Step 22. Enrolling. Bill is checked for accuracy and printed. Correctly enrolled bill is delivered to presiding officer of house in which bill originated. After being signed and recorded in journal, bill is transmitted to other house where same procedure is followed.

Step 23. Governor's desk. Governor either signs or vetoes bill or allows it to become law without his or her signature. Legislature may vote to override a veto if it has not adjourned. (Refer to Montana Constitution, Article VI, section 10.)

## HOW A BILL BECOMES A LAW

### COLOR-CODED BILL SEQUENCE

The progress of a bill in its journey through the legislative process can be tracked by the color of paper on which a bill is printed at any stage:

WHITE - Introduced Bill

YELLOW - Second-Reading Bill in first house

BLUE - Third-Reading Bill in first house (first reading in second house)

TAN - Second Reading in second house

SALMON - Reference Bill (third reading in second house)

IVORY - Reference Bill with later amendments (conference committee or Governor's amendments)

BUFF - Original Fiscal Note

CHERRY - Amended Fiscal Note

GOLDENROD - Sponsor's Fiscal Note

Amendments from conference committees for consideration by the Committee of the Whole are printed on:

GREEN - in the House

PINK - in the Senate



## CHAPTER X

### STANDING COMMITTEE PROCEDURES

#### COMMITTEES IN THE MONTANA LEGISLATURE

Although the committee system has not been as powerful in Montana as it is in Congress, the committees perform essential functions in reviewing, analyzing, amending, and recommending that bills pass or do not pass. Because the committee system is the essence of the legislative process, the new legislator needs to understand the workings and personnel of the committees and some points of etiquette when a bill he or she introduces is the subject of a committee hearing.

#### WHAT GETS DONE IN COMMITTEE

##### Hearing Witnesses

When a hearing is held on a bill, the presiding officer calls for the proponents of the bill to identify themselves and present their statements. Before the hearing, the secretary has each witness, including the sponsor, complete a short registration form. It is customary for the legislator sponsoring the bill to speak first. The sponsor may introduce the constituent, lobbyist, or other person who has brought the bill or the problem to the sponsor's attention and who is present to testify. After all proponents have been heard, the presiding officer will invite opponents, if any are present, to testify. There is typically no surrebuttal from opponents. Committee members may question the sponsor, any witness, or nearly anyone else on matters relating to the bill. Questioning typically occurs at the close of all testimony, depending on the presiding officer's ground rules, other business, etc. Customarily, the sponsoring legislator has the final word of the hearing, which he or she makes in "closing". (Veteran legislators indicate a premium on brevity, both in opening and closing on a bill.)

Advice on how proponents or opponents of bills can be most effective in their appearances before committees is contained in *Having Your Say Before Montana Legislative Committees*, a pamphlet that may

## A LEGISLATOR'S HANDBOOK

be obtained from the Legislative Services Division or, during a session, at the Legislative Information Office.

### Revising and Amending Bills

A committee member may, when questioning a witness, ask the witness if a problem in the bill could be cured by an amendment that the member spells out. However, it is customary to move an amendment in the committee's executive session after the close of testimony. (Contrary to its commonly understood definition, "executive session" in the legislative lexicon does not mean a closed or private session, which is prohibited by the Montana Constitution. A committee's executive session is open to observation by all persons, but only committee members participate in the discussion, except when a member, with the presiding officer's permission, requests another person to provide information.) The committee, in passing the motion, may instruct the committee staff person to write up the amendment in the proper form.

Amendments developed by a subcommittee should be distributed to the full committee at an executive session designated by the presiding officer for the report of the subcommittee. A subcommittee member will usually move the adoption of the subcommittee's recommendations following discussion of the subcommittee's report.

Information about preparing amendments is contained in the *Bill Drafting Manual* available from the Legislative Services Division.

### Disposing of Bills

After the hearing and executive session discussion, which may include consideration of amendments or subcommittee reports, a member will say, "Mr. Chairman (Madam Chairwoman), I move that (House) (Senate) Bill No. \_\_ do (or do not) pass." Sometimes a member disagreeing with this position will then say, "Mr. Chairman (Madam Chairwoman), I move that (House) (Senate) Bill No. \_\_ do not (or do) pass." By the parliamentary procedure rules, the substitute motion, if offered, is voted on first. The presiding officer may announce that

## STANDING COMMITTEE PROCEDURES

without objection, the vote on the substitute motion is considered the reverse of the vote on the main motion. (It is possible but rare that a member, feeling that a bill should be further refined before a recommendation is made to the full body for "do pass" or "do not pass", would vote against both motions.) If amendments to the bill have been adopted by the committee, then the motion is "do pass, as amended" or "do not pass, as amended".

### Reporting Action to the Full Body

A committee, or its majority, makes one of four recommendations to its parent body. If the bill was introduced in the same body, the committee reports that the bill "do pass" or "do not pass". If the bill has been passed by the other body, the committee recommends that it "be concurred in" or "not be concurred in". "As amended" should be added in each of the four reports if amendments have been adopted by the committee.

The procedures of the Senate and House differ in cases in which a committee report is controversial. In the Senate, a unanimous committee report is usually the end of the matter, but if a minority of the committee wishes to file a minority committee report, both reports (e.g., "do pass" and "do not pass") are placed before the body and debated under committee reports. In the House, only the prevailing position is posted and, if that position is "do not pass", a majority of members who object may place the issue on the second-reading calendar and debate it.

When a committee brings to the floor a bill that originated in the other body, naturally the sponsor cannot be present to explain and carry the bill. In this situation, the committee presiding officer appoints a member to carry the bill when the committee decides that the bill should "be concurred in". A committee member so designated should consult with the sponsor for background information so that he or she can explain the bill on the floor. Additional information may be obtained from the committee staff person.

## A LEGISLATOR'S HANDBOOK

### Conference Committees

When the second house amends a bill and the two bodies are unable to reconcile their versions of the bill on the floor, the leadership will appoint three Senators and three Representatives, usually from the committees that considered the bill, to be conferees. Some conference committees meet with full formality. Toward the end of the session, some committees may not physically meet at all because of the press of time and the difficulty in scheduling a formal meeting. In these cases, the sponsor (or a proponent of the bill) contacts the various conferees individually with the proposed compromise language and collects the signatures on the report.

### **WHO DOES WHAT IN COMMITTEE**

#### Committee Chairman or Chairwoman

The presiding officer, i.e., the chairman or chairwoman or, occasionally, the vice chairman or vice chairwoman, is designated by the leadership and, under the Joint Rules, has general control and direction of the hall and committee room.

The presiding officer decides the scheduling of bill hearings and sets the agenda for each meeting and ground rules for hearings. For example, he or she may allocate 40 minutes for testimony to be divided equally between proponents and opponents. He or she may appoint a subcommittee, either pursuant to a motion adopted or on his or her own initiative, to do further work on a bill. The presiding officer always controls the floor during committee discussion, and members speak only after recognition by the presiding officer.

#### Committee Vice Chairman or Vice Chairwoman

The vice presiding officer, the vice chairman or vice chairwoman, is selected by the Speaker of the House or Senate Committee on Committees. He or she presides over meetings when the presiding officer is absent. The vice presiding officer usually presides over a

## STANDING COMMITTEE PROCEDURES

hearing on a bill that the presiding officer has sponsored and that the presiding officer is presenting.

### Committee Secretary

The secretary's duties include keeping minutes of meetings, registering witnesses who testify, recording committee votes, notifying bill sponsors of hearings, and typing committee reports and amendments. The secretary also maintains a notebook or file for each member, which contains a copy of each bill referred to the committee and a copy of each fiscal note prepared for those bills. At a member's request, the secretary may insert printed testimony in the file.

### Committee Staff Person

By tradition, an attorney or research analyst from the Legislative Services Division staff is generally assigned to a committee by the Legislative Services Division Executive Director, with the concurrence of the committee presiding officer. The Senate Committee on Finance and Claims and the House Committee on Appropriations are staffed by the Legislative Fiscal Division. The staff person's duties include drafting amendments to bills before the committee as requested by members of subcommittees, reviewing bills for technical or constitutional problems, and conducting research for subcommittees or individual members.

## **ETIQUETTE FOR A SPONSOR BEFORE A COMMITTEE**

The most elementary courtesy that a sponsor can show a committee is to be present promptly at the time that his or her bill is scheduled to be heard. If a sponsor cannot appear at a scheduled hearing on his or her bill, the sponsor should notify the presiding officer of the committee as early as possible. A presiding officer does not enjoy announcing the postponement of a hearing to a room full of people, some of whom have traveled long distances to testify on that bill. A change of dates should be posted several days in advance to avoid inconvenience.

## A LEGISLATOR'S HANDBOOK

If a sponsor wishes to bring a number of people to speak as proponents, he or she should know whether their statements would be similar and take steps to avoid repetitious testimony. It is sufficient for a witness who would be repeating another's statement to give his or her name and address and state his or her concurrence. The committee members will appreciate this.

A sponsor's etiquette may also be involved in special situations as follows:

### Written Statements

If a sponsor or witness wishes to submit a written statement to the committee, it will be most effective if a copy is made for each member and each copy is punched to fit a three-ring binder, so each member may insert the statement into his or her bill book. A single copy, if submitted, will be preserved with the minutes by the secretary, but the individual members will not have time to give it more than a cursory glance.

### Graphic Presentations

If equipment such as a blackboard and chalk, easel, slide projector, overhead projector, or screen is to be employed, the committee secretary should be notified the day before the hearing to make sure that the necessary equipment is available.

### Reference to Codes

The effect of some bills may be understood only by referring to sections of existing law not set forth in the bill. Each committee room has a set of the *Montana Code Annotated*.

## STANDING COMMITTEE PROCEDURES

### Scheduling

If a sponsor approaches a committee presiding officer with a hearing date request, he or she should be aware of the considerations affecting the presiding officer's scheduling decisions. These include:

(1) degree of controversy: A presiding officer will try to schedule perhaps four or five bills on a day if they are expected to be relatively noncontroversial or to hear only one or two bills if sharp arguments are expected to develop at the hearing.

(2) degree of complexity: A long or complicated bill may require all of the 2 hours that a committee usually has for hearings, while a short and simple one, even if controversial, can usually be heard in a fraction of this time.

(3) number of expected witnesses: If a large turnout is expected, a presiding officer sometimes makes special arrangements for hearing the bill in a space larger than the committee room, such as the chamber of the Senate or House. Hearings in either chamber must be held in the evening. Other rooms and auditoriums in the Capitol Complex may also be used for hearings. Arrangements should be made through the Secretary of the Senate or the Chief Clerk of the House.

(4) subject matter affinity: A presiding officer may try to hear bills on the same subject together because the committee may have to choose between these bills. The sponsors of separate bills on the same subject should try to coordinate their scheduling requests.



## CHAPTER XI

### FISCAL NOTES

A fiscal note is an analysis of a bill's dollar impact on state or local revenue, expenditures, or financial liability. The notes are prepared by the executive Office of Budget and Program Planning, in cooperation with agencies affected by the bill, within 6 days of the request unless more time is granted by the Senate President or the Speaker, as applicable.

Procedures governing fiscal notes are encompassed in the Joint Rules and codified in Title 5, chapter 4, part 2, MCA.

All bills reported out of a committee that have a fiscal impact and that do not carry specific dollar appropriations must include a fiscal note.

The Legislative Services Division staff indicates at the top of each bill prepared for introduction whether or not a fiscal note is necessary.

Fiscal notes are then requested by the presiding officer of either house who determines the need for the note at the time of introduction based upon the Legislative Services Division's recommendation.

A fiscal note also may be requested on a bill or on an amendment by: a committee considering the bill; a majority of the members of the house in which the bill is to be considered at the time of second reading; or the chief sponsor through the presiding officer of the sponsor's house.

A fiscal note shows, when possible, in dollar amounts the estimated increase or decrease in revenue or expenditures, costs that may be absorbed without additional funds, long-range financial implications, and technical problems with the language of the bill. Comment or opinion of the merits of the bill is not permitted on the fiscal note.

## A LEGISLATOR'S HANDBOOK

Section 5-4-204, MCA, allows the bill's sponsor to prepare his or her own fiscal note if he or she does not concur with that provided by the Office of Budget and Program Planning.

Completed fiscal notes are referred to the committee considering the bill, and copies are printed and placed on the members' desks.

Background information used in developing a fiscal note can be obtained directly from the Office of Budget and Program Planning.

If a fiscal note accompanies a bill, the date of request and the date of receipt are indicated on the bill status and history.

The fiscal note is printed on buff-colored paper.

The following is a sample fiscal note that typifies fiscal notes prepared for legislation having an effect on revenue and expenditures, respectively.

# STANDING COMMITTEE PROCEDURES

## STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0349, as introduced

### DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring site-specific ambient air quality and meteorological monitoring at commercial hazardous waste incinerators and requiring commercial hazardous waste incinerators to provide telemetering service to the Department of Health and Environmental Sciences (DHES) with an immediate notification; specifying hazardous waste fuel requirements for commercial hazardous waste incinerators; classifying cement kiln dust as a hazardous waste; authorizing DHES to assess additional fees; and establishing a presumption of continuing violation for certain violations of the clean air act.

### ASSUMPTIONS:

1. Development of the rules required under this act will require research into the appropriate mechanisms for defining inversion conditions under which hazardous burning must be halted and conditions under which hazardous burning may be resumed, meetings with interested parties and rule-making procedures.
2. No commercial hazardous waste incinerators are currently licensed in the state. One application is under review, and another site is considering applying.
3. If either of these sites are permitted, the DHES would require additional personal services funding to be able to respond after hours, on weekends or holidays. Current employees are allowed up to 10 hours per week in compensatory time to respond to emergencies, which is used to the maximum.
4. If a commercial hazardous waste incinerator permit were to be granted, the DHES would require about \$10,000 of state special revenue authority each year to pay for 500 hours of overtime for required staff responses after working hours. The permittee would be required to reimburse the DHES for the cost of the overtime and the net fiscal impact of SB349 would be zero.
5. It is unlikely any permit would be approved before FY97.

### FISCAL IMPACT:

|                              | <u>FY96</u>       | <u>FY97</u>       |
|------------------------------|-------------------|-------------------|
| <u>Expenditures:</u>         | <u>Difference</u> | <u>Difference</u> |
| Personal services (overtime) | 0                 | 10,000            |
| <u>Funding:</u>              |                   |                   |
| Air quality SSR (02)         | 0                 | 10,000            |
| <u>Revenue:</u>              |                   |                   |
| Fees (02)                    | 0                 | 10,000            |

 2.17.95  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

MIKE FOSTER, PRIMARY SPONSOR      DATE

Fiscal Note for SB0349, as introduced

**SB 349**



## CHAPTER XII

### LOBBYING AND LOBBYISTS

A legislator is exposed to a variety of bills having potential effects on the private, business, and public lives of all Montanans. The intense focus of the possibilities for change, which a legislative session represents, generates conflict among proponents and opponents of that change. Responding to this conflict, private citizens, public officials, and representatives of diverse groups seek to influence legislators in their decisions on legislation and other policy matters—an activity known generally as lobbying. This chapter discusses distinctions among types of lobbyists, legal requirements covering lobbying, and general information about lobbying.

A lobbyist is a person who seeks to influence legislation whether for pay or on a regular basis as a volunteer, but a private citizen who infrequently attempts to communicate with a legislator is not usually considered a lobbyist in the generally understood sense of the word. The usually full-time nature of a lobbyist's job distinguishes a recognized professional lobbyist from a private citizen.

Montana law formally defines lobbying and makes certain demands on lobbyists. For the purpose of the lobbyist registration and license laws (Chapter 157, Laws of 1959, and later amendments, particularly Initiative Measure No. 85, approved in 1980, and Chapter 568, Laws of 1983; Title 5, chapter 7, MCA), a lobbyist is a person who, for hire, engages in the practice of promoting or opposing the introduction or enactment of legislation or who spends \$1,000 or more a calendar year, exclusive of personal living and travel expenses, in "promoting or opposing official action by any public official". Under the law, "lobbyist" does not include a citizen who receives no reimbursement or is reimbursed only for personal living and travel expenses of less than \$1,000 for his or her efforts to influence a legislator, a public official acting in his or her official capacity, or a person who appears exclusively before legislative committees.

A person or group that pays \$1,000 or more a calendar year to engage a lobbyist is known as a "principal". Principals reflect the total

## A LEGISLATOR'S HANDBOOK

range of persons and groups having a pecuniary or policy interest in legislation, including corporations; cooperatives; public utilities; associations of private individuals, businesses, or industries; associations of public officials or governments; or any other special or public interest. A lobbyist may represent more than one principal.

The law requires both the lobbyist and the principal to register with the Commissioner of Political Practices who keeps a current list, or docket, of lobbyists and their principals. Any citizen may inspect the docket during normal business hours. In addition, the Commissioner provides a copy of the docket to each member of the Legislature and updates it every Tuesday during the legislative session.

"Lobbying" is defined (5-7-102, MCA) as "promoting or opposing the introduction or enactment of legislation before the legislature or the members of the legislature by a person other than a member of the legislature or a public official; and . . . promoting or opposing official action by any public official".

A "lobbyist" is "a person who engages in the practice of lobbying for hire".

Any citizen of good moral character may be licensed as a lobbyist upon application to the Commissioner of Political Practices and payment of a \$10 license fee.

Each principal (employer of a lobbyist) is required under 5-7-208, MCA, to report to the Commissioner any payments made solely to influence legislative action:

(1) before February 16 of any year that the Legislature meets and to include all payments made in the last calendar year;

(2) before the 16th day of the month following any month in which the principal spent \$5,000 or more; and

## LOBBYING AND LOBBYISTS

(3) no later than 30 days after adjournment of the session and to include all payments made during the session and not previously reported.

The report must detail all expenditures for printing, advertising (including production costs), postage, travel, salaries and fees, entertainment (including all foods and refreshments), telephone and telegraph, and office expenses.

Itemization of expenses must include identification of the payee and the beneficiary of each separate payment conferring \$25 or more in benefits to any public official when the payment was made for lobbying and each separate payment conferring \$100 or more in benefits to more than one public official, regardless of individual benefit when the payment was made for the purpose of lobbying, except that in regard to a dinner or function to which all Senators or all Representatives are invited, the beneficiary may be listed as all members of that group without listing separately each person attending.

The principal must list the full name and address of each donor of \$250 or more in each year for the purpose of lobbying and must list each official action in which the principal or his or her agents exerted a major effort to support, oppose, or modify, together with a statement of the principal's position for or against the action.

Before December 15 of each even-numbered year, each elected official or department director is required by 2-2-106, MCA, to file with the Commissioner a business disclosure statement listing the name, address, and type of business of the individual. An individual may not exercise the powers of his or her elected office until such a statement has been filed.

Lobbyists and principals are prohibited by 5-7-302, MCA, from engaging in or authorizing any "unprofessional conduct" that, in addition to any violation of the provisions of Title 5, chapter 7, MCA, includes:

## A LEGISLATOR'S HANDBOOK

(1) instigating action by a public official to obtain employment;

(2) attempting to influence the action of a public official by promise of financial support or by making public any unsubstantiated charge of improper conduct on the part of any other lobbyist, principal, or legislator; or

(3) attempting to knowingly deceive a public official with regard to the pertinent facts of an official matter or attempting to knowingly misrepresent pertinent facts of an official matter to a public official.

A person who violates the lobbyist registration law is punishable by 6 months in jail, a fine not exceeding \$200, or both, and is also subject to civil penalties of not less than \$250 or more than \$7,500. A person who is guilty of "unprofessional conduct" or otherwise violates the lobbyist registration law is subject to revocation of his or her license, and an elected official who violates the law is liable to recall. More serious offenses, such as bribery and improper influence, are covered in the criminal code (45-7-101 and 45-7-102, MCA).

Lobbyists as a group wield a tremendous influence over the Legislature—enough so that the lobbyists are often referred to as the third house. Keeping that influence legitimate is the purpose of strict licensing and registration laws. Montana's history is replete with stories of occasions when lobbyists' activities crossed the line between proper and improper influence. Stories of bills in large denominations floating through transoms are well known. Today's lobbyist is usually a highly skilled professional who works to influence a legislator by presenting expert knowledge rather than flattery and personal favors.

The efforts of a lobbyist are admittedly self-serving in that the lobbyist is communicating a client's or employer's concerns to the Legislature. As an advocate, however, a lobbyist provides information of great value to legislators.

In the end, when all the arguments have been presented and each advocate has had his or her say, the legislator is responsible for sorting

## LOBBYING AND LOBBYISTS

the conflicting claims and making a decision for which he or she alone is responsible.



## CHAPTER XIII

### LEGISLATIVE BRANCH DIVISIONS

| <u>Agency</u>                    | <u>Agency Head<br/>and Title</u>       | <u>Helena Office<br/>Location</u>           |
|----------------------------------|----------------------------------------|---------------------------------------------|
| Legislative Services<br>Division | Robert B. Person<br>Executive Director | State Capitol<br>Room 138<br>(ph. 444-3064) |
| Legislative Fiscal<br>Division   | Clayton L. Schenck<br>Fiscal Analyst   | State Capitol<br>Room 105<br>(ph. 444-2986) |
| Legislative Audit<br>Division    | Scott A. Seacat<br>Legislative Auditor | State Capitol<br>Room 135<br>(ph. 444-3122) |
| Consumer Counsel                 | Robert Nelson<br>Consumer Counsel      | 34 W. Sixth Ave.<br>(ph. 444-2771)          |

### MISSIONS AND GENERAL DESCRIPTION OF THE BRANCH

The mission of the Legislative Branch is to provide a consolidated administrative structure to support accomplishment of the mission of the Legislature. The mission of the Legislature is to exercise the legislative power of state government vested in the Legislature by The Constitution of the State of Montana.

The Legislative Branch consists of agencies consolidated with the Legislative Council as provided in 5-2-503, MCA. The principal agencies of the consolidated branch are the Senate and the House of Representatives (which together compose the Legislature), the Legislative Services Division, the Legislative Audit Division, and the Legislative Fiscal Division.

## A LEGISLATOR'S HANDBOOK

The Senate consists of 50 members representing single-member districts composed of two representative districts. Senators are elected for 4-year terms with half the members elected every 2 years. The Senate serves as an equal partner with the House of Representatives in the consideration of most matters related to the exercise of the legislative power of the state. The unique functions of the Senate include confirming gubernatorial appointments and conducting trials of impeachment.

The House of Representatives consists of 100 members representing single-member districts. Representatives are elected to 2-year terms. The House of Representatives serves as an equal partner with the Senate in the consideration of most matters related to the exercise of the legislative power of the state. The unique functions of the House of Representatives include the introduction of appropriations measures into the process and the bringing of impeachment.

The mission of the Legislative Services Division is to provide research, reference, legal, technical, information technology, and administrative support services to the Senate, House, and other divisions of the Legislative Branch in support of effective and efficient operation of the Legislative Branch and to support the mission of the Legislative Council.

The Legislative Services Division provides a variety of support services to the Legislature. Division services include the following:

- (1) bill and amendment drafting, clerical preparation of bills for introduction using automated equipment, and engrossing and enrolling of bills;
- (2) publication of legislative proceedings, rules, session laws, and journals of the Senate and House (the journals are published electronically) and the preparation of their indexes;
- (3) provision of legislative research and reference services;

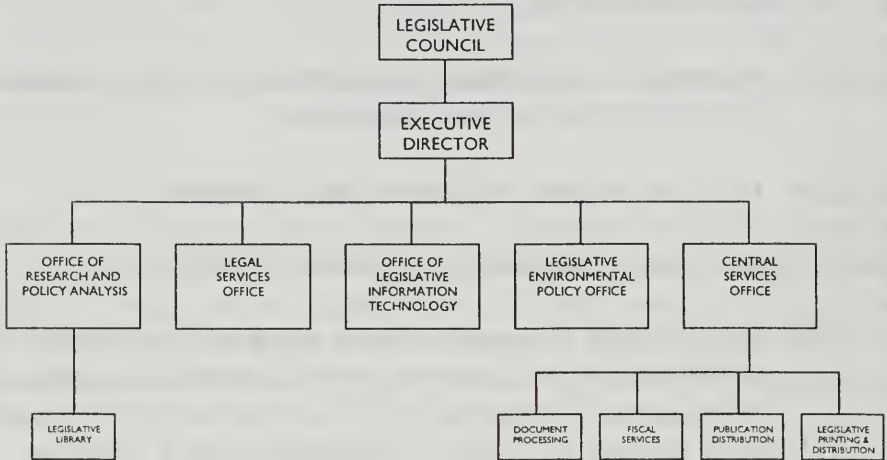
## LEGISLATIVE BRANCH DIVISIONS

- (4) legal counseling for the Legislature;
- (5) business management services for the Legislative Branch;
- (6) committee staffing;
- (7) preparation, publication, and distribution of the *Montana Code Annotated* text and annotations;
- (8) review of the text of proposed ballot measures;
- (9) provision of legislative information to the public;
- (10) support of the computer network and applications planning, installation, and maintenance for the Legislative Branch; and
- (11) other services as assigned and funded by the Legislature.

The Legislative Services Division was established in 1957 as the Legislative Council. The name was changed in 1995 as part of the consolidation of most of the separate agencies of the Legislative Branch. Principal statutory authority is found in Title 1, chapter 11, and Title 5, chapters 5 and 11, MCA.

# A LEGISLATOR'S HANDBOOK

## LEGISLATIVE BRANCH -- LEGISLATIVE SERVICES DIVISION ORGANIZATIONAL CHART



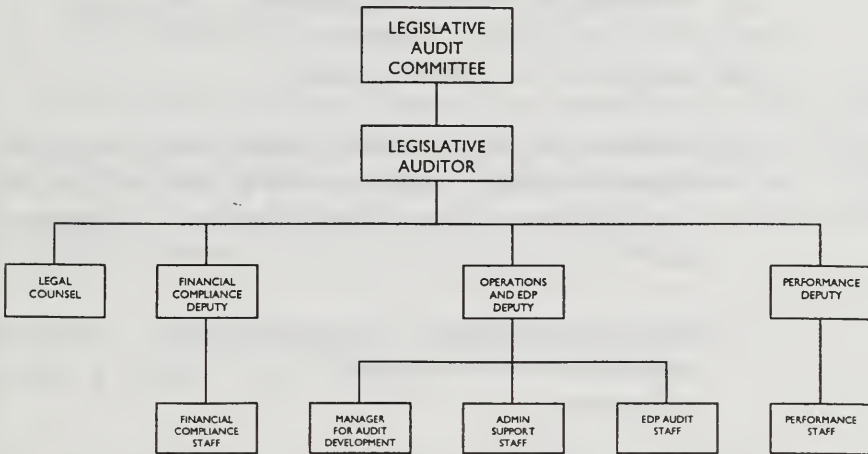
The mission of the Legislative Audit Division is to provide factual and objective information to the legislative and executive managers of the public trust.

The Legislative Audit Division provides the postaudit function for state government.

The Legislative Audit Division was established in 1967 as the Office of the Legislative Auditor. The name was changed in 1995 as part of the consolidation of most of the separate agencies of the Legislative Branch. The function became constitutionally required with the adoption of the 1972 Constitution. Principal statutory authority is found in The Legislative Audit Act (Title 5, chapter 13, MCA).

## LEGISLATIVE BRANCH DIVISIONS

### LEGISLATIVE BRANCH -- LEGISLATIVE AUDIT DIVISION ORGANIZATIONAL CHART



The mission of the Legislative Fiscal Division is to provide the Legislature with objective fiscal information and analysis relevant to Montana public policy and budget determination.

The Legislative Fiscal Division provides a number of fiscal services to the Legislature. Division services include the following:

- (1) provision of staffing and support to the Legislative Finance Committee;
- (2) general statutory duties of the Legislative Fiscal Analyst, which include:
  - (a) provision of fiscal analysis of state government and the furnishing of information bearing upon the financial matters of the state relevant to issues of policy and of statewide importance;

## A LEGISLATOR'S HANDBOOK

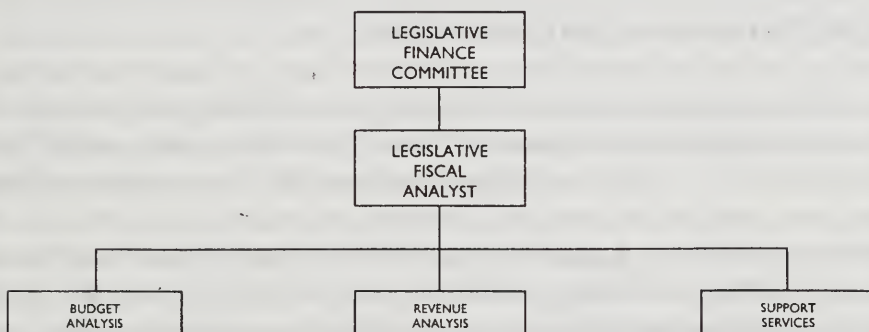
- (b) identification of ways to effect economy and efficiency in state government;
  - (c) estimation of revenue and analysis of tax policy;
  - (d) analysis of the executive budget;
  - (e) furnishing reports on recommendations on fiscal issues as considered appropriate, as well as those requested by the Legislative Finance Committee and the Legislature; and
  - (f) assisting legislative committees and individual legislators in compiling and analyzing fiscal information;
- (3) staffing legislative appropriations committees and subcommittees and providing all assistance necessary to create, write, compile, and report on spending bills during the legislative session;
  - (4) staffing and providing research and analysis for the Joint Committee on Postsecondary Education Policy and Budget;
  - (5) providing assistance to the Revenue Oversight Committee in revenue estimation;
  - (6) reviewing biennially earmarked revenue and statutory appropriation provisions;
  - (7) reviewing supplemental appropriations;
  - (8) reviewing budget amendments;
  - (9) providing presession budget projections;
  - (10) preparing the General Appropriations Act;

## LEGISLATIVE BRANCH DIVISIONS

- (11) providing general fund status reports;
- (12) providing legislator fiscal training; and
- (13) preparing the postsession Legislative Fiscal Report.

The Legislative Fiscal Division was established in 1975 as the Office of Legislative Fiscal Analyst. The name was changed in 1995 as part of the consolidation of most of the separate agencies of the Legislative Branch. Principal statutory authority is found in The Legislative Finance Act (Title 5, chapter 12, MCA).

### LEGISLATIVE BRANCH -- LEGISLATIVE FISCAL DIVISION ORGANIZATIONAL CHART



## BRANCH ORGANIZATION

The officers of the Senate are the President, the President pro tempore, the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip. The President of the Senate is the presiding officer and budget-approving authority for the Senate. The President of the Senate and the President pro tempore are elected by the Senate, while the other officers are elected by the respective caucuses. The President appoints the Secretary of the Senate, Sergeant at Arms, and

## A LEGISLATOR'S HANDBOOK

Chaplain, subject to confirmation by the Senate. The Senate is further organized into standing committees and *ad hoc* or select committees, the memberships of which are appointed by the Committee on Committees.

The officers of the House of Representatives are the Speaker, the Speaker pro tempore, the Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip. The Speaker of the House is the presiding officer and the budget-approving authority for the House of Representatives. The Speaker and the Speaker pro tempore are elected by the House of Representatives, while the other officers are elected by the respective caucuses. The Speaker appoints the Chief Clerk of the House and the Sergeant at Arms, subject to confirmation by the House. The House of Representatives is further organized into standing committees and *ad hoc* or select committees, the memberships of which are appointed by the Speaker.

### FUNCTIONS OF STAFF DIVISIONS

The Legislative Services Division works within policy set by the 12-member bipartisan Legislative Council, which is composed of four members of the House of Representatives and four members of the Senate as well as the President, Speaker, and minority leaders of each house. The staff is organized into five functional offices: the Central Services Office, the Office of Research and Policy Analysis, the Legal Services Office, the Office of Legislative Information Technology, and the Legislative Environmental Policy Office.

The Central Services Office includes management, purchasing, financial and personnel functions, secretarial support, final preparation of Legislative Services Division documents, publications distribution, legislative printing and distribution, and legislator information and telecommunications.

Fiscal staff maintains Legislative Branch accounting and personnel records, processes claims and payrolls, prepares and monitors budgets, and requisitions supplies and equipment.

## LEGISLATIVE BRANCH DIVISIONS

The documents processing area is responsible for the final preparation of Legislative Services Division documents, secretarial support for the Division, and reception/information services.

Division secretaries support interim committee meetings through document preparation, composition of minutes, and maintenance of committee files.

Final document preparation includes proofing and clerical preparation of introduced bills, engrossing and enrolling of bills, final preparation of letters and reports, operation of computer graphics programs, preparation of camera-ready copy for numerous publications, and maintenance of data bases used for these purposes.

The documents processing staff uses computerized word processing and data base management systems to operate with a high degree of effectiveness and accuracy with a small staff of word processing operators, secretaries, and proofreaders. Publication of the text of and annotations to the *Montana Code Annotated*, *Rules of the Montana Legislature*, code sections affected list, status, *History and Final Status*, and session laws are Office responsibilities.

The document publication and distribution area involves final preparation of Legislative Services Division publications, coordination with printing contractors, and development and maintenance of customer data bases to control distribution, billing, collections, and accounting for publications in stock.

Legislative Printing and Distribution is activated just before a legislative session and operates until a few weeks after session adjournment. The distribution center distributes bills, amendments, resolutions, indexes, daily status, rules, and journals to legislators, state agencies, lobbyists, and other subscribers to the legislative proceedings. Proceedings are mailed daily to the 56 County Clerk and Recorders and 12 depository libraries in the state. The printing and distribution staff orders all printing, sets priorities on the printing based on legislative needs, prints the material, and delivers printed proceedings to the Senate

## A LEGISLATOR'S HANDBOOK

and House bill distribution offices. The office also posts documents to the state BBS for electronic access.

During a legislative session, the Legislative Information and Telecommunications Service is in operation. This service is established just before a legislative session, operates 6 days a week during session, and provides legislative information to the public and to the many Capitol visitors. The staff assists in preparation of the legislative telephone directory. The staff also distributes the *Rules of the Montana Legislature*, daily committee hearing calendars, information available through the computerized information system, daily second- and third-reading agendas for the Senate and House, seating charts, and other relevant materials. The staff provides a telephone reception and messaging service for the Legislature.

The Office of Research and Policy Analysis and the Legal Services Office share many of the same responsibilities. Both offices perform general and specialized research, reference, and information functions. Both offices staff legislative committees during the session and throughout the interim, draft legislation, prepare legislative and staff reports, and provide information on the legislative process to the public.

The Office of Research and Policy Analysis has primary responsibility for staffing interim committees and providing reference services.

The Office also maintains a reference library that provides access to items of special interest to legislators and Legislative Branch staff. The library maintains a liaison with other libraries to help make information available as quickly as possible.

The Legal Services Office provides primary support for the Code Commissioner. The Code Commissioner, who is also the Legal Services Office Director, supervises the continuing codification, indexing, rearranging, and general updating of the text of and annotations to the *Montana Code Annotated*. During the interim, updating and publication of the *Montana Code Annotated* are a primary responsibility of the

## LEGISLATIVE BRANCH DIVISIONS

Legal Services Office. Codification is a time-consuming task for the Code Commissioner, the Legal Services Office staff, and the document processing staff immediately following a legislative session. Annotations, including case notes to federal and state court decisions and other materials useful to Code users, are published separately from the MCA text in a booklet format that may be easily updated. The preparation of annotations text is a continuing interim responsibility of the Legal Services Office.

Legal Services staff also supports the Administrative Code Committee in reviewing all Executive Branch rules, reviews all proposed ballot measures for conformity with the Legislative Services Division *Bill Drafting Manual*, and provides legal counseling to legislators on issues of state law.

Editors in the Legal Services Office maintain high quality in Legislative Services Division documents and publications, including legislation, initiative proposals, interim reports, and legal memorandums.

Indexers provide services in support of the Legislative Services Division's responsibilities. The indexers produce the *Montana Code Annotated* Index, the Legislative Review Index, the Session Law Indexes, the Bill Drafting Manual Index, and the Legislative Rules Index. Major indexes are updated during and after each legislative session, and the *Montana Code Annotated* Index undergoes continual editing and revision.

The Office of Legislative Information Technology provides computer network support personnel, systems analysts, and programmer/analysts who play a key role in planning, developing, and maintaining the computer network, systems, and applications used to support computer processing activities for the Legislative Branch.

As an example, personnel developed and maintain the system used to display bill status and other legislative information online during the session and they are responsible for daily preparation of the bill draft request report and the daily bill status report. Office personnel also are

## A LEGISLATOR'S HANDBOOK

key to the continued development, integration, operation, and maintenance of Legislative Branch systems that contribute to accomplishment of branch missions.

The Legislative Environmental Policy Office (LEPO) staff, under the supervision of the Legislative Environmental Analyst, is responsible for assisting Environmental Quality Council (EQC) members in the fulfillment of their duties.

The LEPO staff acts as an impartial source of information on environmental matters for the EQC, the Legislature, and the public. Staff responsibilities include researching and writing reports, organizing and monitoring public meetings and hearings, drafting proposed legislation, and conducting studies assigned by the Legislature.

In addition, members of the LEPO staff serve as committee staff for the Senate and House Natural Resources Committees during legislative sessions.

The Legislative Fiscal Division is headed by the Legislative Fiscal Analyst and works within the policy set by the 12-member bipartisan Legislative Finance Committee, which is composed of at least four members of the House Appropriations Committee, four members of the Senate Finance and Claims Committee, and two members appointed at large from each house. The staff is organized into three functional areas: revenue estimation and tax policy, budget analysis, and office management (administrative support/information services).

The Legislative Audit Division is headed by the Legislative Auditor, appointed for a 2-year term by the 12-member Legislative Audit Committee. The Division comprises administrative staff and three functional components: Financial-Compliance Audit, Performance Audit, and Electronic Data Processing (EDP) Audit.

The Financial-Compliance Audit component performs audits of state agencies and local governments in accordance with applicable audit standards to determine whether an entity's financial operations are

## LEGISLATIVE BRANCH DIVISIONS

properly conducted, the financial reports are presented fairly, and it has complied with applicable laws and regulations. During each fiscal year, financial-compliance audit staff also completes work on legislative requests, special projects, and identified or suspected fraudulent activities involving federal or state agencies.

The Performance Audit component performs objective and systematic examinations of evidence designed to assess the performance of state government operations. The performance audit process typically includes a comprehensive review of a program's statutory directives, mission, and strategies. Auditors evaluate program operations in relation to principles of proper management, control, and use of resources and in accordance with government auditing standards. A determination is made as to whether agencies and programs are accomplishing their purposes and whether they can do so with greater efficiency and economy.

Performance audits include economy and efficiency audits and program audits. Economy and efficiency reviews determine whether a program is making the most efficient use of its resources. Program audits help to determine whether a program is achieving the desired results or benefits established by the Legislature, is effective, and is complying with applicable laws and rules. The Legislative Audit Committee establishes the priorities for the completion of performance audits. Performance audits may also be required by statute.

Performance audit staff also completes work on legislative requests and projects. Time required to complete these assignments varies. These tasks are completed using less formal procedures and guidelines than those used for completion of performance audits.

The Electronic Data Processing component conducts audits that combine some of the elements of both financial-compliance and performance audits. Controls within EDP operations are examined to determine whether assets are adequately safeguarded and to determine the reliability of computer-generated reports. In addition, EDP audits address efficiency and effectiveness issues, such as acquisition of

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computer equipment and security and management of computer resources. Component personnel review information technology and computer-related issues, develop as specialists and technicians, and provide additional training to all staff members.

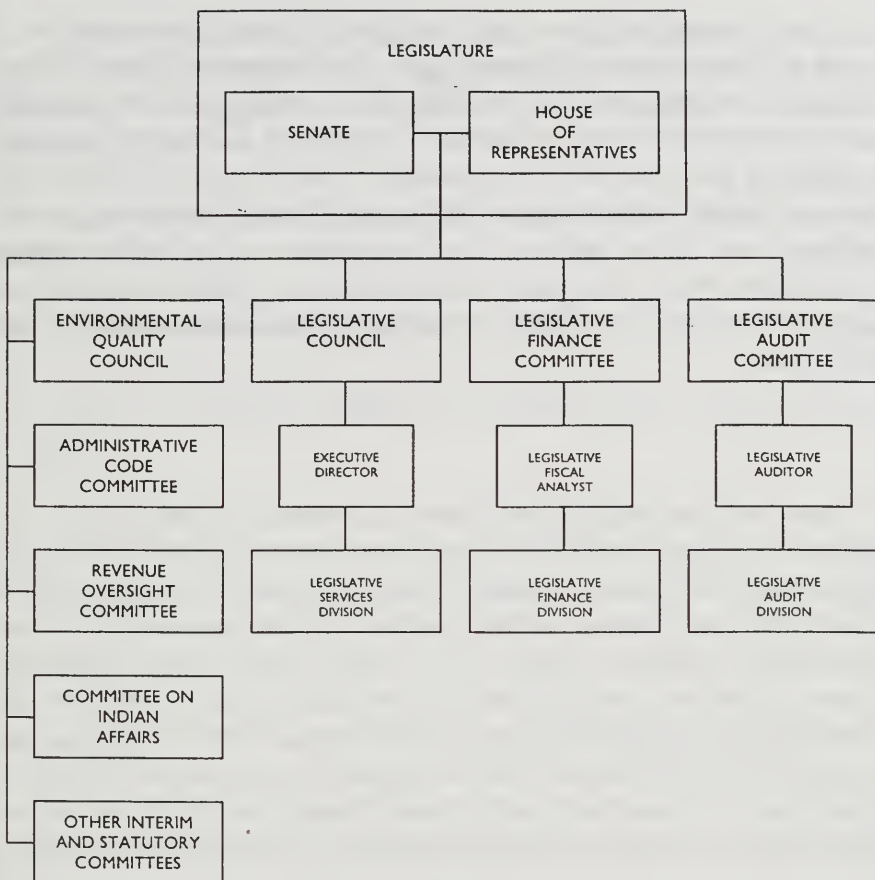
### **LEGISLATIVE BRANCH PROGRAM STRUCTURE**

For budgeting purposes, Legislative Branch agency activities are organized into seven programs operating within the preceding agencies. The Senate Program, House Program, and Feed Bill Program are funded through bills appropriating money for the operation of the Legislature, including Senate and House member, staff, and session and interim operational expenses and Legislative Services Division expenses for legislative information, bill printing and distribution, legislative publications, and legislative telephone services.

The Legislative Services Program, Legislative Committees and Activities Program, Legislative Audit Program, and Legislative Fiscal Program are discussed at length in "Legislative Branch Mission, Goals, and Objectives: 1997 Biennium", available at the Legislative Services Division in Room 138 of the Capitol.

# LEGISLATIVE BRANCH DIVISIONS

## LEGISLATIVE BRANCH ORGANIZATIONAL CHART



## CONSUMER COUNSEL

The Consumer Counsel is an office mandated by the 1972 Constitution and provided for by a statute enacted in 1973. Supervision and policy guidance come from the Legislative Consumer Committee,

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four legislators appointed for 2-year terms in the same manner as standing committees are appointed. The two members from each house must be from the two parties.

The Committee hires the Consumer Counsel, who must be a lawyer with a background in accounting. The Consumer Counsel's main function is to represent the interests of the utility and transportation consumers before the Public Service Commission and federal agencies. In fulfilling this function, the Consumer Counsel and his or her staff fully participate in every major utility rate filing by presenting expert testimony and other evidence and argument to the Public Service Commission. He or she can appeal decisions to the courts and can supply information to legislators regarding regulated transportation and utility rates.

## CHAPTER XIV

### MONTANA STATE GOVERNMENT

#### THREE BRANCHES

Like the classic Latin phrase, "All of Gaul is divided into three parts", state government is divided into three branches: the Judicial, Executive, and Legislative. There are only three basic functions of government:

(1) to determine the rules and laws under which government will function (set policy);

(2) to carry out policy; and

(3) to settle disputes arising from interpretations or applications of the policy.

Traditionally, in accordance with our constitutional guarantee of a "republican form of government", each of the functions of government is supposed to be carried out by a separate branch of government. However, the complexity of modern life has required the delegation of substantial policymaking power to the various executive departments. One need only look at the massive administrative code (which contains rules adopted by state agencies pursuant to the Montana Administrative Procedure Act that are as binding as law) to know that the Executive Branch also has "lawmaking" power. Also, the Governor has inherent power to issue Executive Orders that sometimes carry as much weight as law.

In fact, the legislative function is exercised in some degree by all three branches of government—even by the courts. Historically "judge-made law" is the principal source of our common law, and by interpreting laws, declaring some of them void, unconstitutional, etc., the courts are constantly exercising "legislative power".

In other words, absolute "Separation of Powers" is somewhat of a fiction in light of the extensive overlap that exists.

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### JUDICIAL BRANCH

The judicial power of the state is vested in the Supreme Court, consisting of a Chief Justice and six Justices; District Courts; Justices' Courts; and City Courts.

The Supreme Court hears appeals from the District Courts and is also a court of original jurisdiction in certain cases. For instance, if it is imperative that a law be interpreted as quickly as possible, the Supreme Court may assume original jurisdiction and decide the controversy at once. Examples of such cases are controversies concerning laws that might affect an upcoming election or that are causing a public strike of an emergency nature. Any inquiries regarding the Supreme Court should be directed to the Chief Justice.

#### Clerk of Court

The Clerk of the Supreme Court keeps all Supreme Court records, maintains the Court docket, and performs various other tasks. If you want to simply find out something about the Supreme Court, the Clerk's office located in the Department of Justice/Supreme Court Building is a good place to start.

#### Supreme Court Administrator

The Administrator of the Supreme Court is the chief administrative staff person of the judiciary. Answerable to all seven members of the Supreme Court, the administrator executes the day-to-day administrative operations of the Supreme Court, including administrative matters concerning District Courts and courts of limited jurisdiction.

## MONTANA STATE GOVERNMENT

### State Law Library

The Law Library is primarily for the use of the Supreme Court Justices, the Attorney General, and their respective staffs, but its resources are available to legislators, state legal professionals, and the public on a more limited basis. The Law Library's collection includes statute text analogous to the *Montana Code Annotated* for every state, current *United States Codes*, current *Code of Federal Regulations*, and a host of other legal documents and publications.

### **EXECUTIVE BRANCH**

Prior to a 1970 constitutional amendment, the Executive Branch consisted of about 188 separate agencies. There are now 13 principal departments under the authority of the Governor.

Other elected officials head separate agencies:

- (1) Attorney General, the Department of Justice;
- (2) Superintendent of Public Instruction, the Office of Public Instruction;
- (3) State Auditor, with insurance and securities regulation responsibilities;
- (4) Secretary of State, the Office of the Secretary of State;
- (5) Public Service Commissioners (five), the Department of Public Service Regulation.

### Identifying the Proper Agency

One of the first questions that a legislator asks is, "Where do I find this particular information about a particular program in the Executive Branch?"

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The legislator needs to know which agency is likely to have the information that he or she needs. There are various sources to use in identifying the proper agency:

(1) The Department Organization Charts. The name of the division, bureau, or section is usually a clue to its functions. Organizational charts for each executive department are available in the *Administrative Rules of Montana* and can be provided to legislators who want them.

(2) Executive Budget Book. Nearly every legislator can make effective use of this book. It will be very useful if you initially select departments and programs that especially interest you or are of importance to your constituents and spend time becoming familiar with the proposals for the departments or programs. The budget book is organized on the "program approach" so that a reader can determine which agencies are responsible for which programs and how much the programs cost. A copy of the budget book is among the reading materials given each legislator when the session begins. The budget analysts in the Governor's Office of Budget and Program Planning or in the Legislative Fiscal Division are always willing to answer questions on issues raised in the budget.

### Department Contact

Because of space limitations for explaining programs and agency operations, the budget book is not a complete source of information. Many legislators will want to go directly to the department. Most of the departments are no longer located in the Capitol. The session phone directory lists the various agencies, street addresses, and telephone numbers. Call the director, identify yourself as a legislator, specify the information that you are interested in, and find out if and when you may see him or her. The director will be glad to discuss his or her department with you and will make the proper members of his or her staff available to you. Initial contact with an agency on an issue or on a problem should be made through the department director's office.

## MONTANA STATE GOVERNMENT

### Executive Branch Legislative Liaison

Usually the Governor appoints a legislative liaison as the person to contact if you want to know:

the Governor's position on legislation (very often he or she may have none), general information concerning the Executive Branch, how to approach a certain agency, who to see, etc. The Legislative Services Division staff is always available as an information source. However, during the session, staff members assist committees, draft bills, etc., and do not have ample time for indepth research. As a result, the major source of information about the executive agencies remains with the executive agencies. A legislator must be aware that this information may not be the most objective information; the agencies may have something at stake with various alternatives.

A former legislator had this advice for approaching executive agency personnel:

The best approach I've found when contacting agencies is to use a little bit of psychology. If you go into the agency like Gangbusters, with a chip on your shoulder and a club in your hand, the chances are that you'll be met by a very polite fellow with a chip on his shoulder and a club in his hand. And he'll very politely rap you over the head with it. And you won't know what happened. You wind up in an agency and you talk to agency operator "A" and "B" and all of a sudden you're on the fire escape outside and you haven't found out anything. On the other hand, if you have a sincere and conscientious desire to investigate some program, and it's expressed that way, you'll usually have good cooperation from agency people even in this quasi-adversary system where the agency may be "on the spot". You'll also find that many agency people think that the Legislature is like the common cold, a necessary evil. In spite of the semi-adversary ways of proceeding, if you develop a relationship with those agencies, you can get specific answers to specific questions.

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Another former legislator had this to say:

Legislators are supposed to be policymakers, but lately the role has been reversed with the policy and the Legislature merely acting as a veto body or as a rubber stamp to OK the programs.

If, as a legislator you have a special area of interest—for instance, highway contracts or state grazing leases and you think there might be a problem—maybe you've heard rumors about this and that but you're not sure that legislation is needed—why not talk it over with the appropriate committee presiding officer? If the area of interest is of broad enough concern it's possible to have the committee call the department director and responsible personnel for a heart-to-heart question and answer period.

Just how does the department let contracts? Just exactly what does this program do? Have you thought about this alternative? Why is it really necessary? What would happen if we abolished it? Why couldn't this other division do it?

Legislators often have very good ideas that work. You should have the opportunity to at least ask the executive agency if they have thought of alternatives. If so and it was discarded, why? This suggestion might save the time and expense of offering bills that aren't really necessary.

You won't find a format for this or even any precedent but it might be worth a try.

### Suggestions for Seeking Information

(1) Make certain that requests submitted to agencies are reasonable and can be handled with a minimum amount of inconvenience.

(2) If you don't know the person best able to help you with this request, ask the department director or the Governor's office to find out who is the best contact. Once you have contacted him or her, let that

## MONTANA STATE GOVERNMENT

person deal with it and don't try to go around him or her and bring all sorts of other people in. In order to identify this person, use those resources at your disposal, including the director, agency directories, informed persons within the agency, other legislators, and lobbyists. (Keep a little notebook handy in which you can jot down "What's-his-or-her-name in the \_\_\_\_\_ department—handles such and such problems.")

(3) Because time is one of the most valuable commodities for legislators and agency employees, requests should be as brief and succinct as possible and you should always indicate the urgency of your requests.

(4) Because your initial contact about any problem will usually be over the phone, always identify yourself as a Senator or Representative. Use a followup procedure that reminds the agency of the request and keeps fresh in your mind the purposes of the inquiry. One technique for doing this is to make a request by reducing it to a succinct written request sent to the attention of someone in the agency with whom you've developed some rapport. You'll find it's much easier for the agency to handle. And, furthermore, you'll have a record of what you asked. And when the information comes back, you'll be able to compare it with the question that you posed on the paper. Strangely enough, lots of times a question comes to your mind, you ask it over the telephone, the agency goes to work on it, and a couple of weeks, maybe a month, later you get some information back on it and you've forgotten the question! You've forgotten why you wanted to know that. So, it's a good idea, every time that you can, to reduce the thing to writing and send it to the agency. If you can't do that, at least make a memo to yourself as to the nature of the inquiry and why you want the information. It's helpful if you also include what the hunch was that prompted you to ask the question.

(5) Finally, do the proper followup work in order to communicate the results of your request to the proper persons—a constituent, a committee, or yourself.

The philosophy of language is a branch of philosophy that studies the nature, structure, and use of language. It is concerned with the relationship between language and reality, the meaning of words and sentences, and the rules governing the use of language. The philosophy of language is a central part of many philosophical traditions, and it has been the subject of intense debate and discussion for centuries.

One of the central questions in the philosophy of language is the question of meaning. What does it mean to say something? What is the relationship between the words we use and the things they refer to? This question has been the subject of intense debate for centuries, and it remains one of the most central questions in the philosophy of language today.

Another central question in the philosophy of language is the question of truth. What makes a statement true? What is the relationship between a statement and the world it describes? This question has also been the subject of intense debate for centuries, and it remains one of the most central questions in the philosophy of language today.

The philosophy of language is also concerned with the rules governing the use of language. What are the rules that govern how we can use words and sentences? What are the conditions under which a statement can be considered true or false? These questions are also central to the philosophy of language, and they have been the subject of intense debate for centuries.

The philosophy of language is a complex and challenging field, and it has been the subject of intense debate and discussion for centuries. It is a field that is central to many philosophical traditions, and it remains one of the most central questions in the philosophy of language today.

## **GLOSSARY OF COMMONLY USED ACRONYMS**

|        |                                                                                         |
|--------|-----------------------------------------------------------------------------------------|
| ACC    | Administrative Code Committee                                                           |
| AFDC   | Aid to Families With Dependent Children                                                 |
| ANB    | Average Number Belonging (students in a school)                                         |
| ARM    | Administrative Rules of Montana                                                         |
| BAC    | Blood Alcohol Content                                                                   |
| BBS    | Bulletin Board System                                                                   |
| BIA    | Bureau of Indian Affairs (federal)                                                      |
| BLM    | Bureau of Land Management (federal)                                                     |
| Btu's  | British Thermal Units                                                                   |
| CDBG   | Community Development Block Grant                                                       |
| CDC    | Centers for Disease Control (federal)                                                   |
| CECRA  | Comprehensive Environmental Cleanup and Responsibility Act (Title 75, ch. 10, part 7)   |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (federal) |
| CFR    | Code of Federal Regulations                                                             |
| CLE    | Continuing Legal Education                                                              |
| COLA   | Cost-of-Living Adjustment                                                               |
| CPA    | Certified Public Accountant                                                             |
| CPI    | Consumer Price Index                                                                    |

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|        |                                                     |
|--------|-----------------------------------------------------|
| CSG    | Council of State Governments                        |
| D of A | Department of Administration                        |
| DARE   | Drug Abuse Resistance Education                     |
| D of C | Department of Corrections                           |
| DEQ    | Department of Environmental Quality                 |
| DNRC   | Department of Natural Resources and Conservation    |
| DPHHS  | Department of Public Health and Human Services      |
| DOR    | Department of Revenue                               |
| DOT    | Department of Transportation                        |
| DUI    | Driving Under the Influence (of alcohol or drugs)   |
| EEO    | Equal Employment Opportunity                        |
| EMS    | Emergency Medical Services                          |
| EMT    | Emergency Medical Technician                        |
| EPA    | Environmental Protection Agency (federal)           |
| EQC    | Environmental Quality Council                       |
| FAA    | Federal Aviation Administration                     |
| FCC    | Federal Communications Commission                   |
| FDA    | Food and Drug Administration (federal)              |
| FIFRA  | Federal Insecticide, Fungicide, and Rodenticide Act |

## GLOSSARY OF COMMONLY USED ACRONYMS

|      |                                                               |
|------|---------------------------------------------------------------|
| FTC  | Federal Trade Commission                                      |
| FTE  | Full-Time Equivalent (employee)                               |
| FWP  | Department of Fish, Wildlife, and Parks                       |
| FY   | Fiscal Year                                                   |
| GA   | General Assistance (public assistance—state welfare programs) |
| GABA | Guaranteed Annual Benefit Adjustment                          |
| GF   | General Fund                                                  |
| GNP  | Gross National Product                                        |
| GTB  | Guaranteed Tax Base Aid (school funding)                      |
| GVW  | Gross Vehicle Weight                                          |
| HUD  | Housing and Urban Development (federal)                       |
| ICC  | Interstate Commerce Commission (federal)                      |
| ICCW | Intergovernmental Coordinating Committee for Women            |
| ISD  | Information Services Division (D of A)                        |
| IT   | Information Technology                                        |
| JTPA | Job Training Partnership Act (federal)                        |
| LAC  | Legislative Audit Committee                                   |
| LAD  | Legislative Audit Division                                    |

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|        |                                                                                         |
|--------|-----------------------------------------------------------------------------------------|
| LC     | Legislative Council                                                                     |
| LEPO   | Legislative Environmental Policy Office                                                 |
| LFA    | Legislative Fiscal Analyst                                                              |
| LFC    | Legislative Finance Committee                                                           |
| LFD    | Legislative Fiscal Division                                                             |
| LGST   | Local Government Severance Tax                                                          |
| LPG    | Liquefied Petroleum Gas                                                                 |
| LSD    | Legislative Services Division                                                           |
| LUST   | Leaking Underground Storage Tank                                                        |
| MACo   | Montana Association of Counties                                                         |
| MAPA   | Montana Administrative Procedure Act (Title 2, ch. 4)                                   |
| MCA    | Montana Code Annotated (the codified laws of Montana)                                   |
| MEA    | Montana Education Association                                                           |
| MEPA   | Montana Environmental Policy Act (Title 75, ch. 1, parts 1-3)                           |
| METNET | Montana Educational Telecommunications Network (Title 20, ch. 32, part 1)               |
| MHSA   | Montana High School Association                                                         |
| MIAMI  | Montana Initiative for the Abatement of Mortality in Infants (Title 50, ch. 19, part 3) |

## GLOSSARY OF COMMONLY USED ACRONYMS

|        |                                                            |
|--------|------------------------------------------------------------|
| MPEA   | Montana Public Employees Association                       |
| MSDB   | Montana School for the Deaf and Blind                      |
| MSP    | Montana State Prison                                       |
| NCCUSL | National Conference of Commissioners of Uniform State Laws |
| NCSL   | National Conference of State Legislatures                  |
| NEA    | National Endowment for the Arts                            |
| NEPA   | National Environmental Policy Act                          |
| NLRB   | National Labor Relations Board                             |
| OBPP   | Office of Budget and Program Planning                      |
| OPI    | Office of Public Instruction                               |
| ORPA   | Office of Research and Policy Analysis (in LSD)            |
| OSHA   | Occupational Safety and Health Administration (federal)    |
| PAC    | Political Action Committee                                 |
| PERD   | Public Employees' Retirement Division                      |
| PERS   | Public Employees' Retirement System                        |
| PNWER  | Pacific Northwest Economic Region                          |
| PSC    | Public Service Commission                                  |
| RCM    | Revised Codes of Montana (predecessor to the MCA)          |

## A LEGISLATOR'S HANDBOOK

|        |                                                                                                                                            |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------|
| RCRA   | Resource Conservation and Recovery Act of 1976 (federal)                                                                                   |
| RID    | Rural Improvement District                                                                                                                 |
| RIF    | Reduction in Force                                                                                                                         |
| RIT    | Resource Indemnity Tax                                                                                                                     |
| RITT   | Resource Indemnity Tax Trust                                                                                                               |
| ROC    | Revenue Oversight Committee                                                                                                                |
| RSID   | Rural Special Improvement District                                                                                                         |
| SBA    | Small Business Administration (federal)                                                                                                    |
| SID    | Special Improvement District                                                                                                               |
| STAB   | State Tax Appeal Board                                                                                                                     |
| UCC    | Uniform Commercial Code (Title 30, ch. 1-9)                                                                                                |
| UIFSA  | Uniform Interstate Family Support Act (Title 40, ch. 5, part 1, see URESA)                                                                 |
| UPC    | Uniform Probate Code (Title 72, ch. 1-5)                                                                                                   |
| URES A | Uniform Reciprocal Enforcement of Support Act (actually RURES A, Revised Uniform Reciprocal Enforcement of Support Act, replaced by UIFSA) |
| USC    | United States Code                                                                                                                         |
| USCA   | United States Code Annotated                                                                                                               |
| UST    | Underground Storage Tank                                                                                                                   |

## GLOSSARY OF COMMONLY USED ACRONYMS

|       |                                                                   |
|-------|-------------------------------------------------------------------|
| WAMI  | Washington, Alaska, Montana, and Idaho Cooperative<br>(education) |
| WIC   | Women, Infants, and Children (federal)                            |
| WICHE | Western Interstate Commission for Higher Education                |

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